

# SCOPING PHASE I

## *Public Input Meetings* *March 22 - April 1, 1993*

### *Summary Report*

Central Valley Project  
Public Law 102-575, Title 34  
Programmatic Environmental Impact Statement

Bureau of Reclamation  
Fish and Wildlife Service

**PHASE I  
SCOPING REPORT  
May 1993**

**Central Valley Project  
Public Law 102-575, Title 34  
Programmatic Environmental Impact Statement**

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## WHAT IS AT ISSUE HERE?

During the spring of 1993, approximately 300 people in 8 cities throughout California attended meetings organized by the Bureau of Reclamation (Reclamation) and the Fish and Wildlife Service (Service). What was the reason for all this activity? These meetings were an opportunity for the public to ask questions, express concerns, and voice opinions on how the Federal water system in California, the Central Valley Project (CVP), should be managed in the context of a new law.

The meetings marked the kickoff of the public involvement program for the development of the Programmatic Environmental Impact Statement (Programmatic EIS) that is required under Public Law 102-575, Title 34. This law, also known as the Central Valley Project Improvement Act, initiates significant changes in the management of the CVP. The Programmatic EIS process of implementation is governed by the National Environmental Policy Act (NEPA), which requires that various alternatives for Title 34 implementation be identified and analyzed to fully assess its impacts and benefits. The public review of the Programmatic EIS will assist Reclamation and the Service in making decisions on how to manage and allocate water resources in the CVP.

Reclamation published notice of the scoping meetings in the Federal Register on February 5, 1993. The meetings were also announced in nine newspapers, including the Sacramento Bee, the Redding Record-Searchlight, the Chico Enterprise-Record, the San Diego Union Tribune, the San Jose Mercury News, the San Francisco Chronicle, the Fresno Bee, the Modesto Bee, and the Los Angeles Times. The public input information document provided a basic background on the CVP, Title 34, and the Programmatic EIS process and was sent to over 300 parties. More than 1,500 parties were notified by mail of the scoping meetings. Reclamation issued two press releases on the Notice of Intent for the Programmatic EIS and on the scoping meetings to promote public interest and involvement.

The public scoping meetings produced many hours of dialogue on water resource issues with individuals and organizations in California. The meetings were organized to promote an informal but thorough exchange of questions and concerns about issues to be addressed in the Programmatic EIS, the potential impacts and benefits of Title 34, and ways to involve the public in the process. In addition, the agencies received written comments on a wide range of concerns such as fish and wildlife, water contracts, recreation, water pricing and transfers, power generation, and state policies, and how these factors should be balanced.

This Scoping Report describes what Reclamation and the Service learned from the public during this first phase of public involvement and provides information on how the comments will be addressed. This document defines general categories of issues raised at each public scoping meeting, and then lists specific questions or statements on the topic.

This section is followed by a summary of public comments by topic from all the meetings. The final section explains where each of the issues will be addressed in the Programmatic EIS.

Reclamation and the Service wish to keep the public informed of each stage in the development of the Programmatic EIS and will use documents such as this to serve that need. The scoping process is an important step in producing the Programmatic EIS and a milestone toward producing the Draft Programmatic EIS, which is scheduled to be completed by February 1995. At that time, Reclamation and the Service will hold public hearings to gather comments. Those comments will be incorporated into the Final Programmatic EIS, which will be completed by October 1995. A concise public record explaining Reclamation's course of action, known as the Record of Decision, will be made in the early months of 1996.

## SUMMARY OF SCOPING MEETINGS

The scoping meetings took place in Sacramento, Redding, Willows, Fresno, Santa Nella, Burbank, San Diego, and Santa Clara between March 23 and April 1, 1993. The map on page five shows the locations of the scoping meetings.

The meetings began with a welcome and introduction by the facilitator, who described the objectives of the meeting:

- ◆ To obtain public input on the major issues to be addressed in the Programmatic EIS.
- ◆ To provide the public with information on the purposes and provisions of Public Law 102-575, Title 34.
- ◆ To provide the public with an understanding of the concept of a Programmatic EIS.
- ◆ To inform the public that a Plan of Action (POA) is being developed to outline the study process.
- ◆ To learn how Reclamation and the Service can involve the public in the process.
- ◆ To review the next steps in the Programmatic EIS process.

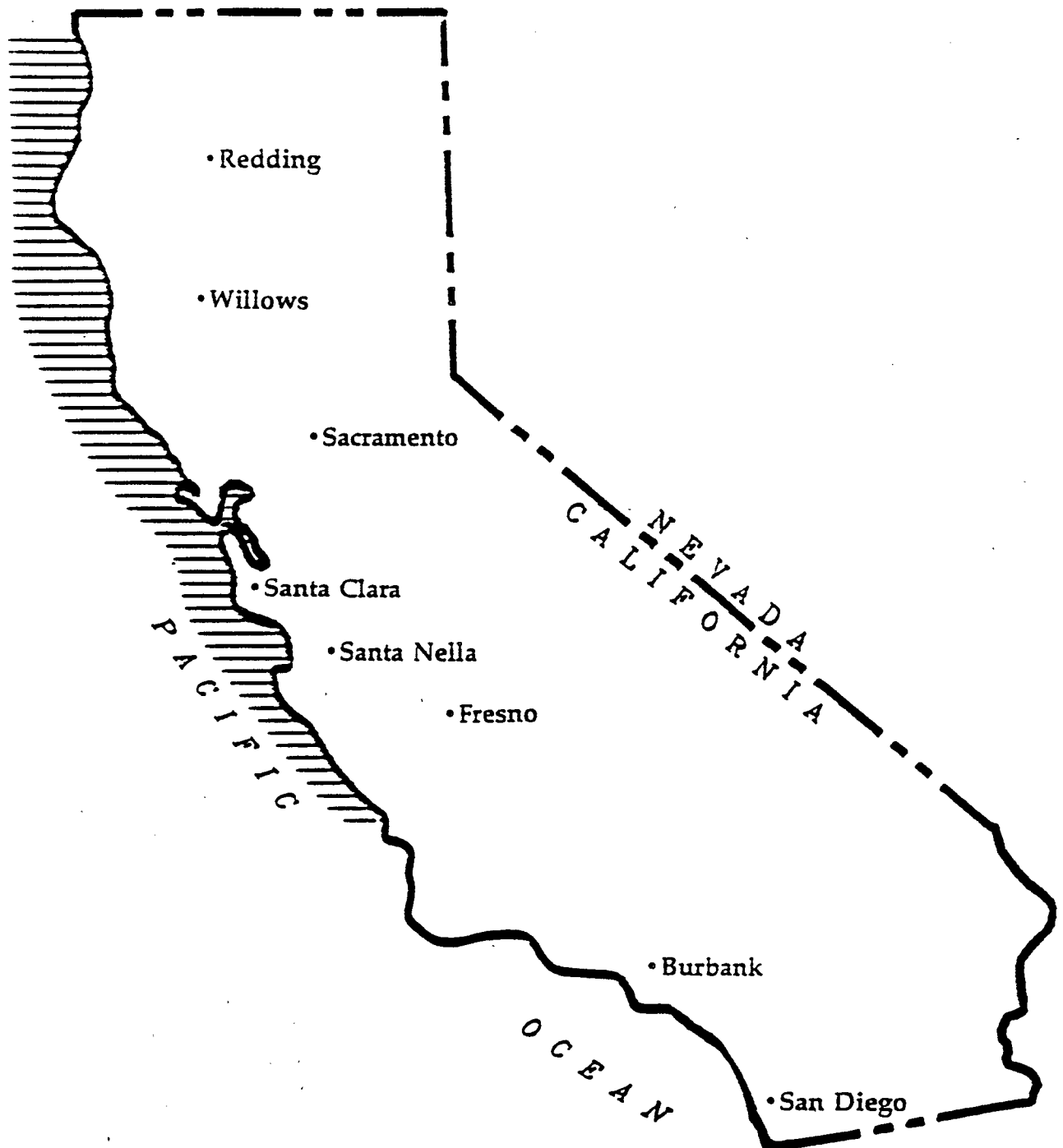
An Assistant Regional Director of the Bureau of Reclamation, Mid-Pacific Region, then spoke to the meeting participants, expressing Reclamation's commitment to public involvement in developing the Programmatic EIS, and describing the magnitude and complexity of the task at hand. A representative from the Fish and Wildlife Service followed with a statement about the collaborative efforts of the two agencies, and their commitment to the new priority of fish and wildlife protection in the management of the CVP and the implementation of Title 34.

Reclamation's Program Director for the Programmatic EIS gave a brief presentation on the background of the CVP, Title 34, and the steps in the Programmatic EIS process. A representative from one of the cooperating agencies spoke about the agencies agreement to work together towards mutual goals and completion of the Programmatic EIS on schedule. The cooperating agencies include:

Fish and Wildlife Service  
Hoopa Valley Tribal Council  
National Marine Fisheries Service  
Western Area Power Administration  
U.S. Environmental Protection Agency  
California Department of Fish and Game  
California Department of Water Resources

The moderator opened the dialogue with the meeting participants by suggesting three main discussion points: (1) questions from the public on Title 34 legislation or the Programmatic EIS process; (2) issues they wished to be addressed in the Programmatic EIS; and (3) ideas about how to involve the public in the process. At all scoping meetings, the participants remarked that they were pleased to have an opportunity to have their questions answered and give input on the Programmatic EIS process. A summary of their comments and questions follows.

# *Public Input Meeting Locations*





## SACRAMENTO

The scoping meeting in Sacramento occurred on March 22, 1993. Approximately 70 people attended. The 1 p.m. meeting was held at the Sacramento Inn, 1401 Arden Way. Public input from the meeting is summarized by topic below.

### 800,000 Acre-Feet of Water Dedicated Annually to Fish and Wildlife

- ◆ It seems clear that Congress intended for the 800,000 acre-feet of water dedicated to fish and wildlife be "new" water. How will "old" water committed to fish and wildlife be accounted for?
- ◆ Be sure the source of the 800,000 acre-feet is determined by scientific criteria. If any of the 800,000 acre-feet comes from New Melones, be sure to evaluate the effects of taking from the overdrafted ground-water basin.

### Contract Renewals

- ◆ The following provisions of Title 34 are important:
  - provisions relating to new and renewed contracts, and
  - obligations under Federal and State law for changes in operation of the CVP.
- ◆ Consider contract renewals with new terms and restrictions.

### Water Conservation

- ◆ What role and result will the existing water conservation standards have on the analysis of Title 34 conservation provisions in the Programmatic EIS?

## **Programmatic EIS**

### **Geographic Scope**

- ◆ Will the Programmatic EIS cover the conventional CVP or the statutory CVP (area described in the legislation)? Will the Solano Project be included?

### **Purpose and Need**

- ◆ Has the Purpose and Need for the Programmatic EIS been determined? Knowing the Purpose and Need would be helpful in the scoping meetings.

### **Plan of Action**

- ◆ What is the definition of a Plan of Action?

### **Subsequent NEPA Documentation**

- ◆ After preparation of the Programmatic EIS, what will the subsequent site-specific EIS's look like?

### **Action Alternatives**

- ◆ Reclamation's approach to restrict the alternatives analysis to options that are explicitly described in Title 34 is too narrow.
- ◆ The determination of alternatives requires too much speculation. Impacts of current CVP operations need to be documented. Alternatives outside of Title 34 should be considered. The range of action alternatives is too narrow, they only include provisions of Title 34. Consider an alternative of no contract renewals.
- ◆ What are the discretionary actions that will be analyzed in the Programmatic EIS?

### **No-Action Alternative**

- ◆ Accurately portray consequences of the No-Action Alternative.
- ◆ The approach to the No-Action Alternative seems confusing. The consequences of the No-Action Alternative should be fully and accurately portrayed.
- ◆ The No-Action Alternative should mean no renewal of contracts.

## Computer Modeling

- ◆ In order to gain credibility among the public on environmental impacts of operational alternatives, improved models are needed to account for flow and salinity at critical fisheries locations in the Delta. The time schedule should allow modest, yet significant, improvements in current operational models.

## Impact Analysis

- ◆ How will winter flooding of rice fields be addressed in the Programmatic EIS impact analysis?
- ◆ The Programmatic EIS should address in detail the impacts on flows and salinity in the Delta.

## Funding, Scheduling, and Level of Effort

- ◆ How much will the preparation of the Programmatic EIS cost and who will pay for it?
- ◆ How do the agencies intend to staff up to study the impacts of Title 34 on the agricultural community?
- ◆ Adopt a work plan that will assure completion of the Programmatic EIS by October 1995.

## Agency Coordination

- ◆ Reclamation and the Service should ask other agencies to comment on the Programmatic EIS throughout the process.
- ◆ It is essential that representatives from all regulatory agencies (State and Federal) be involved in the Programmatic EIS meetings and process.

<p><b>Relationship of Title 34 to State Water Policy and other Studies, Legislation, and Actions</b></p>
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- ◆ How will the San Joaquin River restoration be handled? It is important that the San Joaquin River restoration is done in tandem with the Programmatic EIS for Title 34.
- ◆ Incorporate the San Joaquin River restoration study into the Programmatic EIS.

### Implementation of Title 34

- ◆ Will discretionary decisions made to implement Title 34 be inventoried?
- ◆ The uncertainty of Title 34 provisions is an issue. There is a limitation on the amount of scientific uncertainty that is acceptable.
- ◆ Is there a conflict between Title 34 and draft interim guidelines regarding water contracts?
- ◆ What was the public involvement process for developing the interim guidelines?

### New Facilities

- ◆ Is expansion of the CVP an option that will be examined? Will Reclamation consider new facilities to address nonyield provisions in Title 34?

### Public Involvement

- ◆ Future workshops should reflect the comments received.
- ◆ In order to ensure adequate involvement from the public, Reclamation and the Service need to involve the agricultural community. They need to comprehend the impacts of the legislation and the Programmatic EIS process on agriculture.
- ◆ Use an iterative process for public involvement when developing alternatives. Hold workshops before decisions on alternatives are made.
- ◆ Reclamation and the Service should conduct outreach to interested parties who may not be informed, such as local governments (cities, counties, special districts). Make sure they are on your mailing list. Send them publications and bulletins. Use the League of Cities as a resource.
- ◆ Hold workshops to get input on computer modeling efforts (on assumptions used in models). Explain what models can and cannot do.
- ◆ How will the academic community be involved in the Programmatic EIS process? An expert advisory panel should be established with members of the academic community.

- ◆ Agency heads should choose a location to have regular discussions and give informal updates to the public.
- ◆ The public will know very little about what is going on. How to inform them is problematic. Maybe you can use marinas, tackle manufacturers, guides and wildlife organizations to pass out information as it becomes available.
- ◆ The scoping meeting information packet addressed many questions and issues. Include them in the Programmatic EIS!
- ◆ Our office (San Joaquin Farm Bureau) received notification of this meeting on March 19. It would be helpful to get this notification in a more timely manner so we can involve our membership.
- ◆ Use the newspaper industry to inform the public and solicit public involvement in the process.

#### Fish and Wildlife Habitat Restoration

- ◆ How will Reclamation and the Service deal with any conflicts regarding fisheries issues that arise during preparation of the Programmatic EIS ?
- ◆ The legislation mandates "Level 2" refuge water supplies "upon enactment," and "Level 4" supplies no later than 10 years after enactment. As problems arise in meeting these requirements, will the Programmatic EIS address these problems? What type of mitigation will be offered to offset any supply deficiencies except additional water above that required to refuges, or water to private wetlands?
- ◆ Title 34 fish and wildlife and habitat provisions must include actions pertaining to the Solano Project and these must be analyzed in the Programmatic EIS.

#### Power Issues

- ◆ The Programmatic EIS should address the impacts on power consumers for provisions that will affect the CVP dams.

### **Doubling of Fish Population Goal**

- ◆ If the Programmatic EIS focuses on doubling fish populations, will this be a wasted effort if requirements under the Federal Endangered Species Act dictate more substantial increases?
- ◆ How will Reclamation and the Service come up with a plan to double fish populations?

### **Topics Unrelated to Programmatic EIS**

- ◆ There was some concern that children will be deprived of recreational fishing areas due to the fencing off of levees, sloughs, and canals.

## REDDING

The scoping meeting in Redding occurred on March 23, 1993. Approximately 35 people attended. The 6 p.m. meeting was held at the Red Lion Hotel, 1830 Hilltop Drive. Public input from the meeting is summarized by topics below.

### 800,000 Acre-Feet of Water Dedicated Annually to Fish and Wildlife

- ◆ How will the 800,000 acre-feet be identified and accounted for?
- ◆ What methodology will be used to schedule releases for the 800,000 acre-feet?
- ◆ Reclamation should publish a monthly report of operating regimes to implement 800,000 acre-feet provision.
- ◆ What mechanisms exist to limit the amount of water allocated to 800,000 acre-feet to fish and wildlife so that more water will not be required for this purpose?
- ◆ Will further endangered species listings such as Delta smelt or other species increase the need for additional water to 1.5 million acre-feet and further reduce irrigation, municipal, and industrial uses?

### Water Transfers

- ◆ Will the Programmatic EIS address water transfers? Developers should be required to show a long-term water source of 25-30 years, or not be able to develop property.
- ◆ The Programmatic EIS should address the impact of north-south water transfers on fish and wildlife.

### Contract Renewals

- ◆ There was concern over contract renewals and the litigation over Friant. Does Reclamation place more emphasis on the environmental impacts of the law or on contract renewals?
- ◆ Will there be modifications to existing water contracts?

- ◆ There needs to be equal consideration given to fish and wildlife needs and contract renewals.
- ◆ There was concern over the impact on fish and wildlife if water is transferred from north to south.

### Programmatic EIS

- ◆ Computer models may actually prevent public understanding if they are overemphasized. If they are overdone, the public might get lost in the process.

#### Impact Analysis

- ◆ There was concern about the relative weighting of issues in the Programmatic EIS and why it must examine the environmental impacts of a law designed to protect fish and wildlife.
- ◆ How can Title 34 succeed without addressing population growth and ground-water regulation in California? The Programmatic EIS should address the dangers of overreaching the carrying capacity of the land.
- ◆ The scope of the Programmatic EIS needs to cover population growth, along with a clear, objective view of all the opportunity costs involved.
- ◆ Analysis of environmental impacts in the Programmatic EIS should be as important as contract renewals.
- ◆ Is the Programmatic EIS going to address the bacteria in the Sacramento and Trinity River Reservoirs resulting from the requirements of Title 34?

#### Funding, Scheduling, and Level of Effort

- ◆ The scheduled deadline for Phase III in the Programmatic EIS is too late and leaves insufficient time for Phase IV completion.

#### Programmatic EIS Process

- ◆ Will the Programmatic EIS address how the provisions of Title 34 should be prioritized?



## Economic Issues

- ◆ There was concern over equity between fish and wildlife interests and agricultural interests. For example, CERCLA addresses the lost use of a natural resource over a period when it has been damaged. Economic damages lead to ecosystem losses, which are difficult to reverse. A recovery analysis is needed.

## New Facilities

- ◆ Will the Programmatic EIS address Title 34 Section 3406(b)(19) - criteria for carryover storage?
- ◆ Increased carryover storage will result in decreased yields. The major issue is offstream carryover storage into additional reservoirs.
- ◆ Evaluate carryover storage in Section 3408(j) to increase CVP yields. Increase the spillway capacity on Trinity Dam. Consider buying out some houses. What will be the effects on downstream residents?
- ◆ The provisions of Section 3406(e)(4), regarding the temperature control device at Trinity, would be necessary if the drawdown continues, but not necessary if the storage capacity is increased.
- ◆ Examine the possibility of increasing the size of the spillway on Trinity Dam.

## Public Involvement

- ◆ The commercial salmon fishery is almost defunct. To engage the commercial fishermen, Reclamation and the Service should hold public meetings on the north coast (e.g., at Fort Bragg).
- ◆ This is a good meeting to get north State interest, but there is no input from direct water users (i.e., irrigators).
- ◆ Reclamation and the Service need to involve fisheries groups in setting priorities for implementation of Title 34.
- ◆ Only one member of the CVP Tech Committee knew about the scoping meetings. There needs to be better outreach.

- ◆ Dinner time meetings are difficult to attend.
- ◆ Public involvement, especially of fishing groups is needed, in decisionmaking on the implementation of the 800,000 acre-feet provisions.
- ◆ Contract with private, nonprofit organizations and corporations to educate the public on provisions of the law. Schedule more meetings in the Redding area.
- ◆ There should be regular "office hours" for the public to consult with agency staff.
- ◆ Monthly meetings with fishing groups are preferred, especially regarding implementation efforts.
- ◆ When conducting workshops, do not split up into individual groups. Everyone should hear what is being said to build consensus. Small groups tend to rehash old topics.
- ◆ Some people cannot always make the meetings, so the mailings are very important.
- ◆ It is better to have group meetings, not small meetings.
- ◆ Hold meetings in the Fort Bragg area.

### Fish and Wildlife Habitat Restoration

- ◆ Regarding stream flows in the Trinity River in Section 3406(b)(23), will releases of more than 340,000 acre-feet be made without another EIS? A future review will take place in 1996. What is the relationship of this to the Programmatic EIS due in 1995?
- ◆ There are critical problems with fish and wildlife, e.g., the Red Bluff Diversion Dam. We do not want to wait 40 years for resolution.
- ◆ There was concern about the priority given to fish and wildlife, and the lack of discussion about it in the *Title 34 Update*.

### Power Issues

- ◆ Power groups should be in on discussions of temperature control devices.
- ◆ Will the Programmatic EIS address the positive and negative impacts on power users?

- ◆ Analyze the environmental impacts of alternate power sources, such as fossil fuels, if hydropower is reduced.
- ◆ Everyone should know the economic and environmental values of power alternatives.
- ◆ In the *Federal Register* notice, what does "in certain situations" refer to in relation to paying for the power needs for fish and wildlife enhancement? Will other power users subsidize the rate given to fish and wildlife refuges (e.g., for pumping ground water)?
- ◆ Bypasses of the turbines at dams would be a negative impact.
- ◆ Section 3406(b)(19), regarding increasing the carryover storage in Trinity, is beneficial for Shasta and reduces powerhouse bypasses at Trinity.
- ◆ Look at ways to improve hydropower production at Trinity.

## WILLOWS

The scoping meeting in Willows occurred on March 24, 1993. Approximately 30 people attended. The 1 p.m. meeting was held at Franco's, 610 South Tehama. Public input from the meeting is summarized by topic below.

### 800,000 Acre-Feet of Water Dedicated Annually to Fish and Wildlife

- ◆ How deeply will the Programmatic EIS analyze the placement of the 800,000 acre-feet of water?
- ◆ Keep in mind that the 800,000 acre-feet is just a loan and is supposed to be replaced.

### Water Pricing

- ◆ Input from agriculture has been left to the discretion of Reclamation. Agriculture is concerned with:
  - ability to pay,
  - amount of water in contracts, and
  - districts with insufficient amounts of water in the contracts.
- ◆ In the Tehama-Colusa service area there are a variety of contracts, and historical water use varies. We need an additional 300,000 acre-feet of water to meet our needs. Tiered water pricing will have a significant impact on districts that have not been able to secure their water needs. Tiered water pricing applied to radically different contracts will have severe impacts. Not all districts can cut 10 percent of their water supply, some have less water than they need.
- ◆ It may be impossible to implement tiered water pricing with the way contracts are let throughout the State of California.

## Water Transfers

- ◆ To what extent must interim guidelines on transfers conform to existing and pending law on transfers? Work is now being done on a transfer package which will be considered by the State legislature this year. Language in Title 34 requires conformity with the State.
- ◆ The transfer guidelines specified CVP water. We do not know what the State is doing.

## Contract Renewals

- ◆ If contracts are not renewed, how will yield be increased?
- ◆ There was a request to clarify that agriculture uses 85 percent of the developed water in California, not 85 percent of the total water.
- ◆ Site-specific EIS's should be done for contract renewals.
- ◆ Clarify Title 34 provisions for those with contracts that expire in 2004. They need time to prepare for any changes in water allocations.
- ◆ Will the Programmatic EIS supply enough documentation to renew contracts?
- ◆ Not renewing existing contracts may have more environmental impacts than renewing them.
- ◆ Look at a noncontract renewal alternative. This needs to be analyzed, otherwise a court will order you to do it. Do not assume that not renewing contracts would result in an improvement in the environment.

## Water Conservation

- ◆ The water conservation plan includes all water in California, surface water and ground water. This seems to go beyond the bounds of the legislative authority for the conservation plan.
- ◆ The Reclamation Reform Act Draft EIS considered three alternatives for water conservation. The water conservation plan in Title 34 includes all water, not just CVP water. Therefore, the Programmatic EIS may not be limited to the Federal water project. The water conservation criteria will be released on May 1. The impacts of the

conservation plan can be analyzed after the criteria are established. The conservation plan should focus only on CVP water.

### **Programmatic EIS**

#### **Impact Analysis**

- ◆ Will the flooding of rice fields be covered in the Programmatic EIS?
- ◆ There are differences in the age, obligation, and debts of water users in the Tehama-Colusa area. They need to be weighed separately in terms of impacts.

#### **Funding, Scheduling, and Level of Effort**

- ◆ Are there any projections for how much the Programmatic EIS process will cost?
- ◆ Who is paying for the Programmatic EIS? What is the budget?
- ◆ Keep costs down, and make the work that is done count. The Programmatic EIS is too all encompassing and does not have room for detail.

### **Relationship of Title 34 to State Water Policy and other Studies, Legislation, and Actions**

- ◆ There is no State water policy for California. Title 34 has a limited view, because it does not take into consideration other actions like D-1630. Information from the Programmatic EIS should lead to input on State water policy. A central policy needs to be established before impacts can be analyzed.

### **Economic Issues**

- ◆ The Programmatic EIS should analyze the economic impacts of water transfers, ability to pay, tiered pricing, and water marketing on rural communities.
- ◆ Agriculture uses about 80 percent of the developed water in California. The \$19 billion of agricultural income supports other industries. However, the tourism industry is also important and produces \$60 billion of income in California. We need to take a broader view about what is good for California.

- ◆ Make the scope of the Programmatic EIS broad enough to decide if we want to grow food in California or if we want to import it; if we want recreational water, wildlife, and wetlands.
- ◆ Are socioeconomic impacts on rural communities considered in this process? How will they be studied in detail and taken into account? How is socioeconomic information being gathered?
- ◆ If socioeconomic factors are a major consideration, who on the team will deal with this issue? Reclamation and the Service should be talking to counties about potential socioeconomic impacts.
- ◆ A study undertaken by U.C. Davis examined socioeconomic impacts on Yolo and Solano counties due to water bank activities. They found that there is a great deal of difference in the impacts within certain subsections of both counties.
- ◆ In past work done by Reclamation and the Service, there has been a lack of socioeconomic expertise. For this Programmatic EIS the agencies need people who can deal with these issues. United States Department of Agriculture or Commerce Department representatives could be used, but local expertise is also needed (local welfare agencies, school districts, and sheriff's offices).
- ◆ The cost and availability of water for farming in Glenn County has a tremendous impact on our economy and way of life. Our two main sources of employment are agriculture and government. Our unemployment rate has been double the rate of the rest of the State and more than triple that of the rest of the Nation. People in our county have spent a great deal of money to prepare land in the Tehama-Colusa Canal area to receive water which they cannot get and/or cannot afford. Farmers who have owned their land for years have gone bankrupt and others are struggling.
- ◆ An historical economic analysis should be done regarding land use and cropping changes.

#### Implementation of Title 34

- ◆ What interim actions have Reclamation and the Service taken already? Have they begun to take the 800,000 acre-feet for fish and wildlife? Where is the water coming from and going to?
- ◆ The Title 34 legislation is not clear for implementation to already be occurring.

### **New Facilities**

- ◆ Will the Programmatic EIS address expansion of the Tehama-Colusa Canal?
- ◆ Look at extension of Tehama-Colusa Canal in the Programmatic EIS.
- ◆ There is a need for additional water storage facilities; we can only recycle so much.

### **Public Involvement**

- ◆ We need to work together on environmental and economic problems. Antagonism between competing interests needs to stop.
- ◆ Minimize meetings in April, May, September, and October because they are busy months for the agricultural community. Afternoons are good for meetings.
- ◆ Too many meetings have been scheduled in Willows in one day. It is difficult to attend all meetings scheduled in one day even if they are at different times.
- ◆ Scoping should be done in smaller communities.
- ◆ The scoping meeting gave a good overview of the intentions of Title 34 and the various public and private interests.
- ◆ The scoping meeting spent too much time on presentation. Anyone attending the meeting needs to be up to speed to comment intelligently.

### **Fish and Wildlife Habitat Restoration**

- ◆ Where are Reclamation and the Service in the process of determining the carrying capacity of rivers?
- ◆ The Programmatic EIS needs to address the relationship between carrying capacity and instream flows. It needs to establish minimum flow requirements.
- ◆ How much money will be available for salmon rehabilitation? How much will it cost to accomplish the fish and wildlife goals in Title 34? We need to rehabilitate salmon back into streams.



- ◆ What is the carrying capacity of the Sacramento River relative to the anadromous fishery, and how will this be addressed?

### Restoration Fund

- ◆ Is there any specific language in the law regarding the restoration fund? How will the \$50 million be divided? How will the money actually be allocated? This money should initially be represented in the President's budget. The restoration fund should not get in the way of the temperature control device.

### Topics Unrelated to Programmatic EIS

- ◆ There was a broad concern about land use in terms of its history, existing conditions, and future uses. Related concerns included wildlife, economics, environment, chemical use, subsidies, medical costs, deficit spending, fertilizer, and energy. All of these are critical matters in the ecological and economic future of our country.

## FRESNO

The scoping meeting in Fresno occurred on March 25, 1993. Approximately 70 people attended. The 6 p.m. meeting was held at the Sheraton Smugglers Inn, 3737 North Blackstone. Public input from the meeting is summarized by topic below.

### 800,000 Acre-Feet of Water Dedicated Annually to Fish and Wildlife

- ◆ The 800,000 acre-feet is an arbitrary number. There is no scientific data to prove that this is the amount of water that is needed. Fish are also killed by predatory striped bass and agriculture is blamed.
- ◆ Where will the 800,000 acre-feet of water be used? Will the San Joaquin Valley see any benefit? The Programmatic EIS should address transfers and the mitigation of the impacts of water taken from north to south.

### Water Pricing

- ◆ The impact of tiered pricing should be assessed if it is assumed that the intent of tiered pricing is to save water.

### Water Transfers

- ◆ The Programmatic EIS needs to assess ways to improve transfer of water from north to south.

### Contract Renewals

- ◆ For contract renewals, Reclamation cannot do a broad EIS and then a specific one for Friant. Specific renewals should be incorporated into the Programmatic EIS. Water districts should be entitled to renew when the Programmatic EIS is complete.
- ◆ Why propose a Programmatic EIS on total contract renewal and then subsequent EIS's for specific areas?

- ◆ How can total contract renewal be determined without determining specific renewals? Include Friant as part of the jumbo Programmatic EIS.

## **Programmatic EIS**

### **Geographic Scope**

- ◆ The geographic scope may be different for different subsections; however, the socioeconomic impacts should be assessed for the entire State.
- ◆ Title 34 does not define the San Joaquin basin.
- ◆ The Programmatic EIS must include the ocean in its geographic scope of impacts on fisheries. It should look at the migrations in the ocean and at the subsistence abuses by tribal groups.

### **Existing Conditions**

- ◆ Do not use preproject conditions as the baseline for the Programmatic EIS.
- ◆ The scope of the Programmatic EIS should not be based on conditions prior to construction.
- ◆ The baseline should be preproject outside of Title 34.
- ◆ The baseline for the Programmatic EIS should be conditions the day the law passed.
- ◆ The baseline for the Programmatic EIS should take into account population growth.

### **Purpose and Need**

- ◆ The Purpose and Need statement should address direct and indirect impacts as well as the renewal of contracts.
- ◆ The statement of Purpose and Need should have been determined prior to scoping.
- ◆ Use the same Purpose and Need statement that was utilized in development of the Friant EIS.

### **Alternatives Analyses**

- ◆ Alternatives cannot be determined prior to purpose and need. Use the same Purpose and Need statement as the Friant EIS (include continuing contracts). There is no legal or functional basis to consider a nonrenewal option. Analyze impacts of the new law;

do not analyze subsequent changes to the law. Do not consider an alternative that cannot be implemented, such as no contract renewals. Set out criteria to establish when the Programmatic EIS will be done.

◆ There are three types of acts:

- mandatory acts that involve no discretion,
- mandatory acts with some discretion, and
- true discretionary acts.

◆ Title 34 requires that all actions must be assessed.

◆ How does Reclamation plan to determine alternatives for mandatory actions?

### Action Alternatives

◆ There is no legal or functional basis for which nonrenewal should even be considered as a viable alternative.

◆ The Action Alternatives should focus on 12-15 major issues that need to be pulled into various sets of options:

- |                         |  |
|-------------------------|--|
| - 800,000 acre feet     | - conservation                                 |
| - refuge water          | - land retirement                              |
| - Trinity water         | - hammer clause                                |
| - contracts             | - increased yield, Section 3408(j) of Title 34 |
| - Section 3404, 3406(b) | - tiered pricing                               |
| - contract moratorium   | - restoration fund                             |
| - power                 | - transfer language                            |

◆ Westlands Water District sees 10 sets of alternatives. The options should be packaged with three common themes:

- Implementing Title 34 to maximize environmental benefit.
- Allowing no contract renewal (2-3 million acres out of production, number out of work).
- Allowing contract renewal with strings.

## No-Action Alternative

- ◆ If the No-Action Alternative describes the future without Public Law 102-575 but includes impacts associated with the Endangered Species Act and the drought, the process will be skewed. The No-Action Alternative should consider contracts at full renewal (100 percent).
- ◆ Full contract renewal should be a No-Action Alternative.
- ◆ The No-Action Alternative for renewal is full renewal of the contracts as they existed prior to Title 34.

## Computer Modeling

- ◆ There should be peer review for computer models that are used to assess impacts.

## Impact Analysis

- ◆ The Programmatic EIS needs to address the beneficial and adverse impacts of the CVP, both socioeconomic and environmental. The CVP's environmental benefits to the valley should be addressed. The CVP has kept water in the rivers and has provided benefits to fisheries.
- ◆ Recognize recreational activities in Programmatic EIS.
- ◆ Look at economic, environmental, social, and other benefits that CVP has brought to the entire country.
- ◆ Include improved environmental benefits of lakes and fishing that were made possible by CVP: O'Neill Forebay, San Luis Reservoir, the aqueduct, Castaic Lake, Pyramid Lake, and all others that provide recreation.
- ◆ Stay within the law, and only analyze impacts and benefits of implementation of the Title 34.
- ◆ Water projects have had many environmental benefits:
  - reservoirs such as San Luis,
  - world class bass fishing,
  - an aqueduct that provides recreation and wildlife benefits, and
  - flourishing fish species.
- ◆ Address the impacts to the San Joaquin Valley overdraft.

## **Funding, Scheduling, and Level of Effort**

- ◆ Look at who pays and who benefits from implementation of Title 34.
- ◆ There needs to be a review of cost allocation procedures.

## **Programmatic EIS Process**

- ◆ Do a complete job. Do not do a minimal effort Programmatic EIS and then subsequent studies. A piecemeal approach will obscure individual impacts. Do not limit the alternatives available to decisionmakers.
- ◆ There will be inherent conflicts in the Programmatic EIS.
- ◆ Will the importance of ground-water recharge and the benefits of the CVP be considered in the Programmatic EIS?

<p style="text-align: center;"><b>Relationship of Title 34 to State Water Policy and other Studies, Legislation, and Actions</b></p>
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- ◆ Include the impacts of Endangered Species Act compliance activities in the Programmatic EIS.
- ◆ Endangered Species Act impacts:
  - species on the list have no socioeconomic value,
  - species are put on list with no consideration of the impacts,
  - determine the impact of ESA on this project, and
  - the emphasis should be on man, food, and fiber.
- ◆ How can environmental impacts be determined prior to completion of the San Joaquin study?
- ◆ What is the impact of the Programmatic EIS on ongoing projects? For example, will the improved management study be put on hold pending completion of the Programmatic EIS?
- ◆ The Programmatic EIS needs to address physical, biological, and chemical analysis of water to be in compliance with the Clean Water Act. There is a need for riparian standards and guidelines to safeguard the aquatic ecosystem. This reflects the need to protect the "beneficial use" of the water.

## Economic Issues

- ◆ Decisions on Title 34 will affect fishermen's livelihood.
- ◆ An economic analysis should be done to show the real value of fish and wildlife as part of the Programmatic EIS.
- ◆ Consider direct and indirect impacts on the public, CVP contractors, water users, employees, and communities. Look at reduction in supplies and the cost of CVP water. The cost will increase by 20 percent. Mandated costs include the restoration fund and Friant surcharge.
- ◆ The Programmatic EIS should address the impacts to the San Joaquin Valley 30-50 years in the future. Competing fish species should also be addressed. Economic impacts to westside communities should be addressed, as should the secondary impacts to current contract holders.
- ◆ The economic analysis should look at nonconsumptive use.
- ◆ Unemployment figures are not adequately reflected. Loss of wages equals loss of sales tax. There is a perception that man is less important than fish and wildlife.
- ◆ This is a man-made drought and it has impacted the agricultural community. There is currently a 45 percent unemployment rate (35 percent during peak season). There is not sufficient agricultural production. The impacts affect all people in the community, especially those with limited English speaking ability. Jobs are limited and retraining is limited. Industrial plants are affecting the Delta, not farmers.
- ◆ The legislation discourages family farms, as they cannot get loans renewed until water problems are solved. Their land values are worthless.
- ◆ Do not sacrifice livelihoods for recreation.
- ◆ A farmer expressed concern about what is going to happen to his source of water. Over the decades, the ground-water table has shown variations, and currently it is low again. The price of surface water was so high this year that it was unaffordable, thus creating a man-made drought. Please consider the original purpose of the CVP to put surface water to beneficial use.
- ◆ The Programmatic EIS must address alternatives to the agricultural growing schedules for high water usage crops and the socioeconomic impact of taxpayer subsidies for those crops. Price supported crops, subsidized water, and social service subsidies of farm labor must be considered. What is the impact of the status quo on taxpayers?

- ◆ The financial value of recreation (i.e., fisheries) must be considered in cost-benefit analyses.
- ◆ Look at the economic, environmental, sociological, and other benefits that the CVP has brought to the State of California.

### Implementation of Title 34

- ◆ Westlands Water District's attorneys are reviewing Public Law 102-575 and the interim guidelines to determine whether any provisions are susceptible to legal challenge.
- ◆ There should be no distinction between discretionary and nondiscretionary actions.
- ◆ In developing interim guidelines, Reclamation needs to consider if some actions need to wait until the Programmatic EIS is complete.
- ◆ Does Reclamation intend to include rules and regulations to implement this law?
- ◆ To what extent will the Programmatic EIS be used to determine all effects (mandatory v. discretionary) of the bill?

### Public Involvement

- ◆ All interests need to work together.
- ◆ Form a multiuse liaison committee made up of agricultural, environmental, and fisheries organizations to discuss the issues.
- ◆ Open forum meetings allow for educational interchange.
- ◆ Encourage the visibility of other groups' values and priorities.
- ◆ Hold specific workshops to discuss the following:
  - Delta modification,
  - benefits v. consequences of the CVP, and
  - overdraft impact on CVP service area.
- ◆ Water districts should be represented as cooperating agencies, as they are vested interests and will be paying for studies.



- ◆ A regional review committee, including local fishery groups, should be created to review progress and suggest program and policy changes.
- ◆ If these meetings are for the CVP legislation and associated Programmatic EIS, why are you going to Burbank, San Diego, Santa Nella, and Santa Clara?

<b>Fish and Wildlife Habitat Restoration</b>
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- ◆ The way the Department of Fish and Game counts fish seems obsolete. There is a concern that fishing drops when water is cut off from the Mendota slough.
- ◆ How did Fish and Game find the Delta smelt?
- ◆ For restoration efforts, planting fish species is not mitigation. Decent monitoring plans are needed to assess health of entire watersheds.
- ◆ Striped bass are not a problem.
- ◆ Reductions in wetlands have affected migratory birds.
- ◆ Eighty percent of fish are lost through predation.
- ◆ Farmers have been blamed for the loss of salmon, but predation loss should be taken into account.
- ◆ This should not be a fish v. farmers debate. Farmers are environmentalists. Minimum streamflows are needed so fish can reproduce naturally.
- ◆ The total number of fish is not that different today than it was 100 years ago. Will there be offset evaluations to take this into account? Are manmade facilities considered in the offsets?
- ◆ The scope of the study should include commercial fisheries, including long-line techniques. Review subsistence abuses by Indians in the Trinity-Klamath River watersheds.
- ◆ Address the impact of doubling striped bass populations on the endangered winter-run chinook salmon and Delta smelt.
- ◆ Ninety six percent of salmon fingerlings are lost to predation; 75 percent of adult salmon are caught commercially.
- ◆ What research has occurred on fish screens at the Tracy Pumps to keep salmon out? If any has occurred, it has not been reported to the press.

- ◆ Reclamation and the Service need to balance water distribution. Solve problems that benefit the farmer, not just environmentalists who worry about the Delta smelt.
- ◆ If local fisheries are not slated for anadromous restoration, mitigation must be implemented.
- ◆ The fluctuation of flow in the San Joaquin River at Friant has been very hard on the fish. Can anything be done to decrease this fluctuation?

#### **Doubling of Fish Population Goal**

- ◆ It will be difficult to double the fish population by 2002 unless predators are controlled.

#### **CVP Yield**

- ◆ The project yield increase plans are important to growers. The CVP should be a win-win situation.
- ◆ What is being done in terms of project yield increase in accordance with Section 3408(j) of Title 34?

#### **Topics Unrelated to Programmatic EIS**

- ◆ During the dry season the kit fox will drink city water. Silt is blocking canals and a school cannot be built because of water from an adjacent creek.

## SANTA NELLA

The scoping meeting in Santa Nella occurred on March 23, 1993. Approximately 25 people attended. The 1 p.m. meeting was held at the Holiday Inn, 13070 State Highway 33 and I-5. Public input from the meeting is summarized by topic below.

### Water Transfers

- ◆ What guarantee do farmers have that water will not be sold to Los Angeles for a sweetheart deal?
- ◆ In-basin needs should not be sacrificed in order to satisfy out-of-basin needs. Will basin needs not be met in order to meet exports?
- ◆ The area of study for the Programmatic EIS includes transfer areas and the coast. How was this determined? Will the impacts of transfers on areas such as southern California be examined?
- ◆ Further environmental review will be needed for individual transfers.

### Contract Renewals

- ◆ Will preexisting contracts be considered in existing conditions?
- ◆ The CVP users are the only ones at risk from implementation of this law. At risk is the ability to recontract.

### Programmatic EIS

#### Geographic Scope

- ◆ Will the geographic scope of the Programmatic EIS include the area to which water transfers may go and also the whole coastal area where there may be fishery impacts?

## **Purpose and Need**

- ◆ What is the process for determining Purpose and Need?
- ◆ Water districts have no clue about the direction of the Purpose and Need statement. Reclamation needs to have discussions before producing a written document. Input is needed before a draft is written.
- ◆ The public should have opportunities to help define Purpose and Need.

## **Alternatives Analyses**

- ◆ How will public involvement for the alternatives process be handled?

## **No-Action Alternative**

- ◆ Will the No-Action Alternative include authorized and funded projects? If so, that will narrow what the No-Action Alternative may have been.

## **Impact Analysis**

- ◆ Look at all factors that contribute to problems in the Delta.
- ◆ Could the impacts in the Programmatic EIS be slanted?
- ◆ If the purpose of the Programmatic EIS is to identify impacts of decisions made and to help with future decisions, are there any areas of discretion left open? What are the future decisions with regard to water contract renewals?
- ◆ For the recontracting provisions, will the Programmatic EIS address impacts beyond CVP with regard to enhancing fish and wildlife? Will it address the impact on commercial fishing? Look at all factors affecting fish populations. There are other impacts on fish besides the CVP.
- ◆ Do not hold the CVP responsible for impacts on fish populations. Other impacts include fishing, industrial pollution, and the State water project. We have no control over other impacts.

## **Funding, Scheduling, and Level of Effort**

- ◆ Will outside consultants be involved in preparation of the Programmatic EIS?

## Agency Coordination

- ◆ Fish and Game, EPA, and the Hoopa all have their own agenda. Will the water districts have equal input? A balance is needed from all involved. Make sure to get all districts input and do not weigh their views differently.
- ◆ Are cooperating agencies working independently or as a unit? Are the agencies balanced in numbers?

### Relationship of Title 34 to State Water Policy and other Studies, Legislation, and Actions

- ◆ Where is the balance and reasonableness review within the law? People here have a 40 percent of normal water supply. In order to determine what is balanced and reasonable, take into account which areas have already lost water without compensation due to the Endangered Species Act and D-1630.
- ◆ The whole system needs to be evaluated, including all developed water. Other projects should not be exempt.
- ◆ How will you handle different directives from Congress?
- ◆ How will the process coordinate with other existing programs (e.g., the Friant-Kern contracts EIS, San Joaquin River Management Program, DWR-USBR Stanislaus-Calaveras Basin Study)?
- ◆ How does Reclamation plan to address the requirements imposed by the State Water Resources Control Board (D-1630)?
- ◆ What happens to Title 34 provisions if the State takes over the CVP? Will the provisions of Title 34 be binding on the State?
- ◆ The biggest single impact on our water supply is the Endangered Species Act.

### Economic Issues

- ◆ Will the loss of income from the 800,000 acre-feet be fully disclosed? All economic impacts from Title 34 need to be represented. Changes in the CVP operation will produce economic impacts.

- ◆ The economic analysis should include third party impacts:
  - the economy of the valley, and
  - the tax base (farmers lost equity in land, the county's lost tax base, leading to welfare increases).
- ◆ Quantify economic impacts to local districts. Reclamation and the Service should form a committee made up of county and local officials and district school boards to quantify the impacts of taking away water. It may also be beneficial to include the Department of Commerce and the Department of Agriculture.
- ◆ Yesterday, the City of Newman got the Planning Commission to expand the town population from 4,200 to 28,000. Where they plan to get their water is questionable. They have mentioned the Contra Costa Water District. Farmers are having a difficult time and cannot be guaranteed full supply. The quotas might have to be supplemented by other districts or water providers like CVP.

#### Implementation of Title 34

- ◆ Will it be possible to scale back the law and pass a bill of our own?
- ◆ There needs to be balance and reasonableness when implementing Title 34.

#### Public Involvement

- ◆ This is a highly emotional issue. Keep it on an analytical basis. News releases have been coming from environmentalists, not farmers.
- ◆ There should be a representative from the people who are at risk, such as the water districts, on the Programmatic EIS team.
- ◆ Consider television advertising to get media exposure for the farmers.
- ◆ There should be as much public involvement as possible. Use whatever means is easiest to disseminate information.
- ◆ There should be three workshops; one to discuss screening criteria and the others to refine the screening criteria.
- ◆ Have equal input from all involved; CVP contractors, Metropolitan Water District, and State water contractors. Disclose the economic impacts of the law, i.e., the loss of

revenue from power generation at Shasta, the loss of revenue from 800,000 acre-feet, the cost of raising fish instead of improving the Delta. Examine the impact on communities, equipment dealers, business, and the State and national budgets.

### **Fish and Wildlife Habitat Restoration**

- ◆ How did the fish survive before the water was cooled? Is this because of the dam?
- ◆ There is a shortage of chinook salmon because the striped bass eat them; why is this considered a water problem? Salmon are not endangered in Alaska. There are other ways to solve the problem besides increasing water. There is no legal recourse to question the designation of endangered species and for cutting off water. The evaluation of a shortage cannot be questioned.
- ◆ What happens when there are different directives from Congress? Wild and native are the only species specified in Title 34. Native species are a separate issue from introduced species. There needs to be a distinction between native and introduced species.
- ◆ Identify all the factors affecting fish populations. Impacts cannot be defined without identifying these factors.
- ◆ Saving the Delta is a burden on 20 percent of the water users.
- ◆ There is plenty of habitat on the spillways.
- ◆ There are ways to solve the problem other than increasing the water supply for the salmon.

### **Doubling of Fish Population Goal**

- ◆ If we have to double the water in order to double the fish population, are we subsidizing the commercial fishing industry?
- ◆ The goal is not to double the fish population, it is to develop a plan that achieves this goal by the year 2002. Title 34 says to look at impacts of these provisions, such as the 800,000 acre-feet for fish and wildlife.

## BURBANK

The scoping meeting in Burbank occurred on March 30, 1993. Approximately 20 people attended. The 1 p.m. meeting was held at the Burbank Hilton, 2500 Hollywood Way. Public input from the meeting is summarized by topic below.

### 800,000 Acre-Feet of Water Dedicated Annually to Fish and Wildlife

- ◆ How was the 800,000 acre-feet figure derived? And how will it be measured?
- ◆ Will the CVP get credit for the 800,000 acre-feet with any action under the Endangered Species Act? How will the Programmatic EIS incorporate this?

### Water Transfers

- ◆ The Joint Powers Authority has produced important documents; Reclamation and the Service need to coordinate with them. For example, there are eight agencies coordinating transfers. Jones & Stokes Associates administers that effort.
- ◆ A full Colorado River aqueduct providing southern California with water should be considered in the analysis. The purchase of 100,000 acre-feet per year could be guaranteed, regardless of actual need.
- ◆ Metropolitan Water District has a larger interest in "options" water through conjunctive use programs. They would have an intermittent interest in 400,000 acre-feet per year. Only small volumes of water would be needed from CVP, within a range of existing market fluctuations.
- ◆ The passage of the CVP Act reflects the clear intent of Congress to facilitate voluntary interbasin water transfers initiated by individual farmers or water users, with minimal interference by agricultural water districts or other governmental bodies. Any discussions which would limit such transfers seems inappropriate for the Programmatic EIS.
- ◆ The Programmatic EIS should, to the extent possible, include analyses of water transfer impacts to the Sacramento-San Joaquin Delta in a manner which reduces or eliminates the need to discuss such impacts in future transfer specific environmental documentation.



- ◆ The Programmatic EIS should recognize that some transfers of CVP water will not result in any impacts to Delta environmental resources.
- ◆ The Programmatic EIS should state that impacts in the transferee service area will be addressed in environmental documentation to be prepared by the transferees for specific transfer projects. This approach is being used in the Programmatic Environmental Impact Report for Delta transfers.
- ◆ The Programmatic EIS should address and recognize the incremental environmental mitigation that occurs when CVP water is transferred to a non-CVP municipal and industrial water user.
- ◆ If the Programmatic EIS includes discussions on the economic impacts of the water being transferred out of the CVP service area, it should also recognize the economic benefits of transferring such water to higher uses outside the CVP service area.
- ◆ The Programmatic EIS should address water transfers with enough detail to avoid site-specific EIS's, to eliminate redundancy.
- ◆ "Common issues" should be the focus of the Programmatic EIS when it comes to examining transfers. Willing buyers and sellers should be responsible for site-specific NEPA and California Environmental Quality Act (CEQA) documentation. Any transfer from the Delta will have an environmental impact, e.g., transfers for release for winter-run fish.
- ◆ The Programmatic EIS should categorize generic kinds of transfers to determine general environmental impacts.

#### Water Conservation

- ◆ More water should be captured to replenish ground water.

#### Programmatic EIS

#### Purpose and Need

- ◆ The Purpose and Need statement should include specific language about comprehensive water management, balancing uses and needs, and water supply reliability.

#### Subsequent NEPA Documentation

- ◆ Supplemental documents can deal with site-specific issues at a later time.

## Alternatives Analyses

- ◆ Environmental analysis of water transfers from the Delta needs to be addressed.

## Impact Analysis

- ◆ In CEQA documents, there are references to assessing growth-inducing impacts. Will the Programmatic EIS address these or not?
- ◆ Growth-inducing impacts should not be addressed in the Programmatic EIS. These impacts should be addressed at a later date in a site-specific environmental document.
- ◆ The Programmatic EIS needs to be sensitive to the social and economic impacts and take all factors into consideration. The Delta smelt should not be a priority over people. The human environment is more important.
- ◆ Will the drought be considered in the Programmatic EIS?
- ◆ Will Reclamation address wetlands preservation and restoration in the Programmatic EIS?
- ◆ Third-party impacts of the CVP can be severe. The Programmatic EIS needs to look at impacts on the entire central valley.
- ◆ How will growth-inducing impacts be addressed in the Programmatic EIS?

## Funding, Scheduling, and Level of Effort

- ◆ How is the Programmatic EIS being funded?
- ◆ How will the cost of preparing the Programmatic EIS affect residents, aside from farmers?
- ◆ There was concern over the Programmatic EIS getting bogged down, and a recommendation that growth-inducing aspects should be dealt with later in transfer-specific documents.

## Agency Coordination

- ◆ Who is drafting the Programmatic EIS?
- ◆ How are key State agencies, such as Fish and Game and Department of Water Resources, being integrated into the process?
- ◆ How closely do Reclamation and the Service work with the Army Corps of Engineers?

## **Programmatic EIS Process**

- ◆ Reclamation and the Service need to keep eye on the target ("common features", i.e., broader issues, particularly in the Delta) and not get lost in too many details.
- ◆ Who will receive drafts of the Programmatic EIS for review?
- ◆ Who will make the Record of Decision?
- ◆ How will the analysis process work?
- ◆ Will policy issues be resolved before the draft Programmatic EIS is completed?

### **Relationship of Title 34 to State Water Policy and other Studies, Legislation, and Actions**

- ◆ Is there coordination or integration with the Bay-Delta Oversight Committee?
- ◆ The State government has entrusted much decisionmaking to the Bay Delta Oversight Council. Contacts there are John Amadeo and Gene Madigan.
- ◆ If the State took over the CVP, what effect would this have on the preparation of the Programmatic EIS?
- ◆ Are negotiations for the CVP transfer to the State ongoing?

### **Economic Issues**

- ◆ Look at the economic impact on the entire valley.
- ◆ Title 34 makes references to human safety and health. What about welfare? It seems as though it has been left out.
- ◆ How will preparation of the Programmatic EIS affect residents throughout the State who have to pick up part of the costs along with the farmer's share?

### **Public Involvement**

- ◆ There needs to be better notification of meetings, because there is low attendance from San Fernando Valley. Also, evenings are preferable.

- ◆ The relaxed and more informal atmosphere in Burbank was enjoyable, in contrast with Sacramento.

#### **Fish and Wildlife Habitat Restoration**

- ◆ How are fish counted in the Delta?
- ◆ The Metropolitan Water District is strongly supportive of Title 34, and will closely track the fish and wildlife provisions, the restoration fund, and habitat improvements.
- ◆ The Metropolitan Water District pays sizeable fees into the restoration fund and at a high rate. This should be recognized as mitigation.

#### **Restoration Fund**

- ◆ The payment of fees into the restoration fund should be recognized as mitigation and clearly accounted for in the Programmatic EIS.

#### **Topics Unrelated to Programmatic EIS**

- ◆ Farmers who have riparian rights get credit for pumping back water that they have polluted from their lands. What about cleansing actions at the source?
- ◆ Who will address problems among the various agencies regarding the Salton Sea?
- ◆ Is levee restoration part of Title 34?
- ◆ Will the Army Corps of Engineers clean up the silt that is blocking the Mendota slough?
- ◆ How is Reclamation dealing with poisoning from pesticides in the CVP region?
- ◆ How closely does Reclamation work with the Army Corps of Engineers in flood-control efforts?

## SAN DIEGO

The scoping meeting in San Diego occurred on March 31, 1993. Approximately 10 people attended. The 6 p.m. meeting was held at the Kona Kai Resort, 1551 Shelter Island Drive. Public input from the meeting is summarized by topic below.

### 800,000 Acre-Feet of Water Dedicated Annually to Fish and Wildlife

- ◆ How will Reclamation and the Service optimize the use of 800,000 acre-feet?
- ◆ Make sure 800,000 acre-feet is used effectively.
- ◆ Will restoration of the Delta smelt use up part of the 800,000 acre-feet?

### Water Transfers

- ◆ Will the impacts of water transfers be weighed against the benefits?
- ◆ What degree of detail will be given to water transfers in the Programmatic EIS?
- ◆ There is concern that there will be roadblocks to transfers to southern California.
- ◆ What is the status of Colorado River water? Exchange agreements and a full aqueduct are needed. This bill could provide a link between the two river systems. Should a possible link between CVP and Colorado River be addressed?
- ◆ Storage exists in the Colorado River Basin during drought times and a transfer could occur. However, there is no way to transfer the water back during reverse crises.
- ◆ A major concern last November was the threat of no-water transfers from Colorado.
- ◆ This bill means potential transfers for southern California which should improve our water reliability.

## **Programmatic EIS**

### **Purpose and Need**

- ◆ The purpose (in "Purpose and Need") is described in Title 34.
- ◆ Get everyone involved in determining Purpose and Need. Mail out a draft of the Purpose and Need for comments.
- ◆ The Purpose and Need statement should include verbiage about comprehensive water management, balancing uses and needs, and water supply reliability.

### **No-Action Alternative**

- ◆ How can there be a No-Action Alternative when Title 34 is mandated by law?
- ◆ "No-Action" would be continuing operations of the CVP as it would have been without Title 34.

### **Impact Analysis**

- ◆ The scope of the Programmatic EIS should avoid discussion of growth-related impacts. There will not be enough time to examine all the assumptions and data and this should be dealt with in site-specific documents at a later time.
- ◆ Reclamation and the Service should balance tradeoffs; one area's impact is another area's benefit.

## **Relationship of Title 34 to State Water Policy and other Studies, Legislation, and Actions**

- ◆ Does Reclamation have to enter into formal consultations regarding the Endangered Species Act?

## **Economic Issues**

- ◆ An economic study should be done on fisheries.

### **Implementation of Title 34**

- ◆ There is concern over conflicting demands that might undermine different initiatives.

### **Public Involvement**

- ◆ The public in southern California is not interested in the CVP except for the fact that their water supply may increase as a result of Title 34 transfers. Water agencies and environmental groups are more involved. Even a full page ad would not help generate more public interest.
- ◆ It may not be necessary to return to San Diego, but have meetings in Los Angeles or Orange County.
- ◆ The water district offices in Irvine are available for meetings.

### **Fish and Wildlife Habitat Restoration**

- ◆ Will the same strategies help different species of fish?
- ◆ How do you integrate factors other than flows, that affect fish populations, such as poaching?
- ◆ Extensively regulated resource habitat restoration efforts are currently taking place. Does this cause complications to the Coordinated Operation Agreement?

### **Doubling of Fish Population Goal**

- ◆ Should coastal fisheries be analyzed because of the doubling requirement?

## SANTA CLARA

The scoping meeting in Santa Clara occurred on April 1, 1993. Approximately 20 people attended. The 6 p.m. meeting was held at the Westin Hotel, 5101 Great America Parkway. Public input from the meeting is summarized by topic below.

### 800,000 Acre-Feet of Water Dedicated Annually to Fish and Wildlife

- ◆ From where did the 800,000 acre-feet number come? Does it have an ecological or scientific basis?

### Water Transfers

- ◆ How will the impacts of water transfers on municipal and other water users be addressed in the Programmatic EIS?
- ◆ How will Reclamation and the State Department of Water Resources coordinate water transfers?

### Programmatic EIS

#### Geographic Scope

- ◆ What is the geographic scope for the Programmatic EIS? Is it the entire Bay-Delta or the CVP service area?
- ◆ In the Programmatic EIS, will the State be broken up into regions or zones to analyze water usage?

#### Alternatives Analyses

- ◆ Reclamation should publish, as soon as practicable, a list of proposals including the No-Action and Action Alternatives for the Programmatic EIS. We do not really know where to start with comments on the scope of the EIS without knowing what Reclamation is considering. A mailing, at least to everyone who attended Phase I meetings, well before the June meetings would be helpful.



## Existing Conditions

- ◆ Do Reclamation and the Service have thoughts on what would be considered the norm in the Delta? Is it today's population, or last year's?

## Impact Analysis

- ◆ Generally, California's water history has been one of rapacious use without regard to consequences, or long-term damage. Currently tax dollars nationwide are used to support a system that pays to deliver most of California's water to a few privileged users who provide products more readily grown elsewhere, at the expense of fishing industry, recreation users, and the environment. We have "over-mined" our water system.
- ◆ Will the Programmatic EIS address which reservoir, the Shasta or the Trinity, will be drawn on first? Traditionally, Trinity has been drawn down much faster. Everybody who enjoys Trinity thinks that is wrong; Trinity should be there for the drought.
- ◆ Trinity Lake is a precious resource as it is! Preserve its water and you preserve jobs and lifestyles in Trinity County associated with recreation, you also preserve a buffer for the next drought. I believe full consideration should be given to drawing down Shasta before Trinity because Trinity takes longer to fill - the water is warmer and it costs money to pump it out!
- ◆ Some of the issues which the Santa Clara Valley Water District (SCVWD) and myself, as a member of the public, believe should be dealt with in the Programmatic EIS include the following:
  - How will the impacts of municipal and industrial water supply shortage and reduced reliability of water supply be evaluated and dealt with in the Programmatic EIS?
  - How will water quality in the Delta and in general be evaluated in the Programmatic EIS?
  - Municipal and industrial urban areas are facing stiffer water quality standards (drinking water standards by the Environmental Protection Agency) the cost of water treatment could run into \$100 million for SCVWD alone - we need to have highest quality water reasonably available.
  - CVP will need additional facilities to increase CVP yield.
  - A cross-Delta facility is essential; an isolated channel with an intake out of the major fishery habitat would be effective and have less impacts.

- ◆ Make sure the Programmatic EIS addresses municipal and industrial impacts of reductions that will come about from Title 34. Look at environmental and economic impacts of any water shortages caused by Title 34. Santa Clara contracted for water they did not get. For them it is a continuation of the drought.
- ◆ Will specific municipal and industrial water shortages be addressed in the Programmatic EIS?
- ◆ There should be a preferential treatment policy for municipal and industrial water in the Programmatic EIS. This includes all domestic use contracts.
- ◆ Rural communities should receive preferential treatment. Human and safety impacts should be addressed.
- ◆ How will water quality be addressed in the Programmatic EIS? How will the EPA's restrictive drinking water standards be taken into account when addressing impacts? Water quality should be taken into account when addressing alternatives to increase yield.
- ◆ Has Reclamation decided how to address California Environmental Quality guidelines for cumulative impacts?

#### Relationship of Title 34 to State Water Policy and other Studies, Legislation, and Actions

- ◆ Has D-1630 information been useful? How do the two laws interact?
- ◆ How will the Programmatic EIS incorporate the Endangered Species Act? There needs to be a coordinated approach to evaluating habitat and listing species. Species have been identified and listed without scientific basis.
- ◆ How does the Governor know that the Delta is broken? Has the norm been established? Have criteria been developed to determine when and if the Delta has been fixed?
- ◆ If the Endangered Species Act is shifted to an ecosystem type of protection, would that further the cutback of deliveries to the central San Joaquin Valley?

#### Economic Issues

- ◆ There are also people that depend on water staying where it is. At Trinity Lake they are dependent on the recreation and tourist income.

- ◆ The unemployment rate in rural areas is over 40 percent. These areas are dependent on agriculture and are only receiving 40 percent of their water supply. People are losing their homes and farmers are closing farms because they cannot get bank loans.
- ◆ There are many competing interests for water. A fair plan needs to be developed. Take into account the serious economic and social impacts for rural areas. Not all farmers receive subsidies.
- ◆ Municipal and industrial preference includes municipal development in rural areas.
- ◆ Take into consideration the human equation in the Programmatic EIS. Address the human equation when making decisions on distribution of water, such as plant closings or the number of farms out of business.

### Public Involvement

- ◆ Is the audience aware of where the water is going? Santa Clara is dependent on this supply of water, they are a municipal user of CVP water. Public education is needed so that urban areas like Santa Clara understand their dependence on CVP water.
- ◆ Reclamation's public hotline, the "Grapevine" is an outstanding service.
- ◆ There are not a lot of Santa Clara water users at this meeting. How was the meeting noticed?
- ◆ Downtown San Jose would be a better location for meetings in this area, although it might not make a difference with the number of attendees.
- ◆ Why wasn't this meeting held in San Francisco or Oakland?
- ◆ Come out to Mendota in the San Joaquin Valley for a field trip. Community based organizations (nonprofits) should be informed of these meetings.
- ◆ Make presentations to groups such as the Manufacturers Association, Water Commission, and retail water agencies. Santa Clara Valley Water District would be willing to set up the meetings.
- ◆ Use Lester Snow's mailing list for a few interested parties in San Diego area.

### Fish and Wildlife Habitat Restoration

- ◆ Is the quality of drinking water also good for fish?

- ◆ Is there a cumulative, systematic impact strategy for protection of biological diversity or for determining the impacts of not restoring habitat?
- ◆ Section 3406 of the legislation deals with fish mitigation, protection, and restoration. Where does restoration end and enhancement begin?
- ◆ Would identifying endangered species based on ecosystems further water cutbacks to the central valley?

<b>Restoration Fund</b>
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- ◆ How will the restoration fund be addressed in the Programmatic EIS?
- ◆ How much will the restoration fund cost users?

## SUMMARY OF WRITTEN COMMENTS

After the scoping meetings a number of written comments were received by Reclamation and the Service. The written comments are summarized by issue below.

### 800,000 Acre-Feet of Water Dedicated Annually to Fish and Wildlife

- ◆ Programmatic EIS should clarify whether some of the dedicated 800,000 acre-feet of water will be available, after its primary use for environmental purposes to CVP contractors. The Programmatic EIS should also identify the source of any additional water beyond 800,000 acre-feet that may be needed to double anadromous fish populations or accomplish other environmental requirements. At this point the baseline for accomplishing Title 34 environmental objectives and the water supply impacts of accomplishing those objectives are still unclear.

### Water Pricing

- ◆ The Programmatic EIS should discuss the following questions related to tiered water pricing: Will it force changes in crop rotation to less valuable crops? Will it cause a shift to ground-water usage with no assurance of ground-water replenishment and what will be the effects on the ground-water table? How will tiered pricing be applied where the CVP is supplying only a portion of a farmer's crop needs?

### Water Transfers

- ◆ Water transfers should be facilitated with the Programmatic EIS as intended by Congress and not limited.
- ◆ One of the primary goals of a programmatic document is the elimination of repetitive discussions in subsequently prepared environmental documents. Accordingly, the Programmatic EIS should, to the extent possible, include analyses of water transfer impacts to the Delta in a manner which reduces or eliminates the need to discuss such impacts in future transfer-specific environmental documentation.
- ◆ The Programmatic EIS should recognize that some transfers of CVP water will not result in any impacts to Delta environmental resources. For example, a transfer

from a CVP water user south of the Delta to a south of the Delta transferee would not result in changes in Delta conditions.

- ◆ Any discussions in the Programmatic EIS which would limit the transfer of CVP water due to environmental impacts should be consistent with the provision that transfers would be limited only if there is significant reduction in the quantity or quality of water supplies used for fish and wildlife purposes.
- ◆ As the Stanislaus River is already overcommitted for water rights, will Title 34 encroach on those obligations?
- ◆ How will adverse impacts on downstream water quality be avoided as a result of water transfers? What will be the economic impact on the area of origin of transfers?
- ◆ Programmatic EIS should analyze the impacts on transfers outside of the CVP when CVP contractors within areas of origin of the CVP need more supplies.
- ◆ Reclamation should avoid imposing any unnecessary regulatory or procedural impediments that would hamper the ability to transfer water. In addition, access to Federal project diversion, storage, and transport facilities should be provided to noncontractors to facilitate water transfers.
- ◆ The Programmatic EIS should thoroughly evaluate the effects of the Interim Guidelines for Water Transfers on CVP contractors. As written, transfers of CVP water will do very little to mitigate the impacts of Title 34 on water supply reliability. There are no criteria for determining "adverse impacts" on project purposes by long-term transfers.

### Contract Renewals

- ◆ The Programmatic EIS must review the benefits of the potential renewal of all CVP water contracts to all the parties listed above. No independent EIS should be made on any particular group of contracts. The EIS currently underway on Friant renewals should be incorporated into the Programmatic EIS. As Section 3404(c)(1) of Title 34 allows renewals after completion of the EIS required under Section 3406, it does not make sense to allow renewal of a Friant contract before an EIS is completed.

## Water Conservation

- ◆ The Programmatic EIS must consider the impacts of conservation on the individual CVP contractors as well as on the ground-water basins underlying CVP customers. The effect of reductions in surface application of CVP water in areas of critically overdrafted ground-water basins as a result of conservation must be fully evaluated. The similar effects of tiered water pricing should be included in the analysis.
- ◆ Aggressive conservation measures need to be required of CVP contractors.
- ◆ Programmatic EIS must address possibility that water conservation may impact nonriparian endangered species.
- ◆ Programmatic EIS should recognize that water conservation has already occurred in some areas, therefore, it may not be possible to make substantial across-the-board reductions in water use.
- ◆ The current shortfall in the amount of water available for agriculture is caused by increasing demands from the environment and urban water users. The Programmatic EIS should pay particular attention to the need for urban areas to slow their increasing water demands.
- ◆ Requirements for the implementation of water conservation practices should be clearly defined. In particular, how will Section 2(A), 3 in the Act be applied to different classes of customers (agricultural and municipal and industrial)? We suggest that you review the Los Vaqueros Project 404(b)(1) Alternatives Analysis, on file at Reclamation, for a thorough discussion of Contra Costa Water Department's ongoing conservation/reclamation program.
- ◆ How will water conservation techniques be applied to water being used for wildlife refuges? All competing uses of water should strive to conserve water.

## Programmatic EIS

### Geographic Scope

- ◆ The Programmatic EIS should recognize that water transfers could extend the region of interest into the Klamath-Trinity, Truckee-Carson, Mono Lake, and Colorado River watersheds.
- ◆ Include the Monticello Dam in the scope of the Programmatic EIS. The diversion of water from the Monticello Dam by the Solano Project is having a significant,

negative impact on Putah Creek, Suisun Marsh, and the north Delta. The Solano Project should also be included in the study area.

- ◆ The Programmatic EIS should include at least the areas identified on page eight of the Scoping Phase I Information Packet.
- ◆ The Programmatic EIS should not address the San Joaquin River until the study required under Section 3406(c)(1) of Title 34 has been made and a recommendation for action pursuant thereto.
- ◆ According to the terms of Section 3403(d), Title 34 clearly intends that actions pertaining to the Solano Project be included in the Programmatic EIS.
- ◆ The Pacific Ocean should be included in the study area, given the directive of Congress to double the natural production of anadromous fish by 2002.
- ◆ Include Santa Clara County in the geographic area of study, as reliable CVP water supply is essential to support the economic base, with its large in-migration of workers from neighboring counties.

#### Existing Conditions

- ◆ The baseline assumptions should be those that existed at the time of enactment, adjusted for any illegal actions, e.g., noncompliance with applicable export limitations.
- ◆ The Programmatic EIS should have an accurate, detailed, and comprehensive accounting of the following: all water flowing into and out of the CVP service area; monthly and annual power generation in the service area; and revenues and expenses, including the Restoration Fund.

#### Purpose and Need

- ◆ The Programmatic EIS should clearly describe the factors used to differentiate those alternatives that would "reasonably approach" the Purpose and Need in the Programmatic EIS from those that would not (see Step 4 in alternatives development process).
- ◆ Overall Purpose and Scope - To ensure that "all reasonable efforts" are made towards attainment of program objectives, specific plans and priorities must be developed with respect to the reach-specific management of "dedicated" CVP yield, the associated expenditure and management of restoration Fund appropriations, and the phased implementation of alternative supporting measures, providing that "first priority" shall be given to measures which protect natural channel and riparian habitat values.



## Plan of Action

The following comments refer to sections in the Plan of Action.

- ◆ § 2.7-2.9: A discussion of the State Water Resources Control Board should take place here.
- ◆ § 3.2.1: Figure 1 should reflect the area of northern California encompassing the Trinity and Klamath Rivers. Also, the north coast from at least the mouth of the Klamath River to Monterey to account for commercial and recreational salmon fishing interests should be included in the study area.
- ◆ § 3.2.2: Table 1 should be expanded to identify where economic impacts relating to fish and wildlife will be contained, specifically impacts on commercial and recreational fishing interests.
- ◆ § 3.2.4: Figure 2 should be expanded to reflect where the needs of fish and wildlife are accounted for in the modeling effort. In the impacts assessment section, should be more emphasis on the beneficial impacts of implementation.
- ◆ § 3.2.4.6: See comments regarding § 3.2.4. Also, the criteria for identifying which species are included or excluded should appear in the POA. Special status species should include all petitions received to date by USFWS or NMFS.
- ◆ § 3.2.4.6: Economic impacts relating to commercial and recreational fisheries should be included in the impact analysis.

## Subsequent NEPA Documentation

- ◆ The Programmatic EIS should not prepare studies to determine the potential impacts of receiving transfer water in the transferee service area. Rather, the Programmatic EIS should state that such impacts will be addressed in environmental documentation to be prepared by the transferees for specific transfer projects.
- ◆ It is inappropriate to prepare studies for the Programmatic EIS which determine each potential transferee's need for transfer water, as these studies are within the purview of the transferee. It would, however, be appropriate to request projected transfer needs from each potential transferee.
- ◆ Reclamation and the Service should avoid preparing studies for the Programmatic EIS which would duplicate existing studies (as in determining each transferee's need for transfer water) or be more appropriately addressed in subsequent environmental documentation (as in addressing the potential impacts of using transfer water in the transferee's service area).

## Alternatives Analysis

- ◆ The Programmatic EIS should include, as part of the preferred alternative, increased Trinity Reservoir carryover storage to comply with Trinity River instream flow releases (not less than 340,000 acre-feet per year) and requirements for Trinity River water temperatures. The analysis should include evaluation of multiyear droughts (e.g., 1928-34 and 1987-92) and evaluate end-of-month carryover requirements necessary to meet Trinity River flow and temperature requirements under different levels of Trinity exports to the Sacramento River basin during drought conditions under the following levels of export:
  - Minimum exports to Sacramento River to ensure dilution of acid-mine drainage from Spring Creek Debris Dam and turnover of cold water in Lewiston Reservoir (approximately 140,000 acre-feet per year).
  - Drought-level exports of approximately 500,000 acre-feet per year.
  - Historical exports of approximately 1 million acre-feet per year.

The above analysis should be evaluated based on 95 percent, 90 percent, 50 percent (average) and 10 percent (extremely critical) exceedance forecasts for Trinity Lake inflow. Analysis should also include evaluation of average (50 percent exceedance) and hot (10 percent exceedance) weather conditions.

- ◆ The Programmatic EIS should study what alternative agricultural areas are available for growing crops which will no longer be used as a result of Title 34.
- ◆ The Programmatic EIS should recognize and evaluate the economic impacts of measures that Santa Clara Valley Water District must now take on its own to restore water supply reliability and evaluate alternative municipal and industrial shortage policies to restore reliability.
- ◆ The Programmatic EIS should evaluate the benefits of an isolated Delta facility to manage fishery issues, restore water supply reliability to CVP contractors, and isolate drinking water supplies from precursors of disinfection byproducts.
- ◆ Concerning the different classes of water contractors, "base" contract water should be given higher levels of protection than "project" contract water.
- ◆ Reclamation is compelled by Title 34 to consider a wide range of management options, including new approaches that might involve actions beyond those specifically mandated by Title 34. We are concerned that Reclamation may limit this range only to alternatives listed in Title 34, given the language in the Information Packet referring to a "reasonable number" of alternatives. Substantial changes in the CVP need to be considered to meet the requirements of the Act and the Programmatic EIS is the best opportunity for this purpose.

- ◆ Develop an alternative in which Reclamation and the cooperating agencies exhaust all physical and technological opportunities to reduce water consumption by agricultural and urban users. This would include programs that allow irrigators to reduce their demand in the springtime months of all year types, and compensate for a lower rate of infiltration to ground water through planned recharge in wet years. The Programmatic EIS should explore the state of the art of irrigation technology and the barriers that may be inhibiting its use. The Programmatic EIS should examine whether there are economic disincentives to implementing water conservation technology and whether the agencies can help remove those disincentives. This would include considering whether irrigation districts are helping or hurting environmental conservation and mitigation efforts and possible remedies. Another alternative includes required compliance with conservation plans and penalties for those who do not meet the goals.
- ◆ The Programmatic EIS should consider a range of environmental restoration alternatives, including those that go beyond the specific actions required by Title 34. This is implicit in that Title 34 includes both specific and general directives.
- ◆ In assessing alternatives, a significant hydrologic period should be studied, e.g., 70 years. The level of detail should be the same for all studies and should allow adequate statistical analysis of the results.

#### **Action Alternatives**

- ◆ The range of Action Alternatives should include the following: nonrenewal of contracts, in order to meet the needs of fish and wildlife; contract renewals with new pricing options, including the goal of repaying the CVP in less than 70 or 80 years from construction; eliminating all hidden subsidies in the recovery of operation, maintenance, and capital costs; capturing the costs of environmental harm and environmental mitigation; modifying price (up or down) based on water use, conservation effort, crop selection, or other relevant water use criteria; and exploring seasonal pricing if feasible and if it could improve efficiency. A separate action alternative does not need to be developed for each of these suggestions, but they could be grouped together into several different pricing alternatives, along with economic analyses of each scenario.
- ◆ For the Action Alternatives one should assume concurrent implementation of Decision 1630, including non-CVP user charges of \$60 million annually. Another should investigate implications of market-based auction of existing CVP contracted supplies.

#### **No-Action Alternative**

- ◆ Agree that the appropriate baseline for the No-Action Alternative is the environmental conditions that existed at the time that Title 34 was enacted.

- ◆ The No-Action Alternative would logically be premised on the nonrenewal of existing contracts, but in practical terms, it should involve none of the Title 34 restoration actions but also no contract renewals. Whatever decision is made for the No-Action Alternative, its components must be clearly conveyed and its impacts accurately identified. The Programmatic EIS must also accurately portray existing conditions, including the highly degraded condition of existing aquatic, riparian, and wetland habitats in the Central Valley.
- ◆ The No-Action Alternative should be based upon anticipated CVP yield and reallocation using Kesterson mitigation requirements, Endangered Species Act compliance, and the projections given in the Final Report of the San Joaquin Valley Drainage Program. The No-Action Alternative should also be based on Reclamation standards at the time of enactment.

### Computer Modeling

- ◆ Analyses should be performed using hydrologic, hydrodynamic, and water-quality models which have been verified with field data.

### Impact Analysis

- ◆ The Programmatic EIS should evaluate the potential for increased hydropower production as a result of higher Trinity Lake carryover and subsequent decreased powerhouse bypasses at Trinity Dam to provide cold water for salmon. This evaluation should occur in conjunction with investigations concerning the temperature control device. It is likely that Trinity Lake minimum carryover criteria will eliminate need for the temperature control device.
- ◆ The Programmatic EIS should evaluate the impact on CVP firm yield and the reliability of agricultural water supplies during multiyear droughts as a result of higher Trinity lake carryover storage. The large capacity of Trinity lake (2.5 million acre-feet) compared to the average annual inflow (1.2 million acre-feet) should minimize losses of firm yield as a result of higher carryover requirements, while maximizing reliability of water supplies during multiyear droughts.
- ◆ The Programmatic EIS should address how much agricultural land now served by CVP water will be taken out of production in drought years, periods of extended drought, and in years with normal rainfall as a result of implementing Title 34.
- ◆ The Programmatic EIS should examine the effects of Title 34 on the availability of food.
- ◆ The Programmatic EIS should provide a detailed analysis for areas that will potentially lose access to CVP water, and assess the impacts of new mitigation fees and surcharges. Similarly, the Programmatic EIS should assess the benefits to those areas which will receive water and monies from the Restoration Fund. As a starting

point, the analysis should determine the incremental benefit of an acre-foot of water added to new areas such as the Delta. Reallocation of CVP water from present productive uses to another use must result in a quantifiable benefit to the receiving end.

- ◆ The Programmatic EIS should recognize and address the incremental environmental mitigation that occurs when CVP water is transferred to a non-CVP municipal and industrial water user. These sources would contribute to the Restoration Fund approximately \$50 for each acre-foot of CVP water transferred to a non-CVP municipal and industrial water user. Total contributions from these sources will undoubtedly represent a significant portion of the Restoration Fund.
- ◆ If the Programmatic EIS includes discussions of the impacts of water being transferred out of the service area, it should also recognize the benefits of transferring the water outside of the CVP service area.
- ◆ The Programmatic EIS should include a thorough evaluation of the following environmental impacts of Title 34: impairment of SCVWD's efforts to recharge ground-water basin to prevent land subsidence; degradation of bird and wildlife habitat from curtailment of ground-water recharging efforts; threatened viability of ground-water cleanup efforts. The Programmatic EIS should consider making water available to Santa Clara County for specific environmentally beneficial uses.
- ◆ The Programmatic EIS should include the impacts of Title 34 on drinking water quality, as municipal and industrial water suppliers must meet increasingly restrictive water quality standards with very expensive methods of treatment.
- ◆ The Programmatic EIS must address the impacts of the diversion of 800,000 acre-feet of water on CVP contractors, specifically the economic impacts on the contractor's customers, environmental impacts within the service area of the customer, and any economic/environmental impacts in surrounding areas. The analysis must take into consideration different year types, and the process of allocation of the 800,000 acre-feet. For example, is the source of water a permanent allocation or an annual determination? If an annual determination, the effect of uncertainty on water supply projects must be evaluated. Both the short- and long-term effects of the dedication must be considered. Any irreversible environmental impacts which may occur in the short term must be addressed.
- ◆ Reclamation must ensure that it has sufficient staff to study the cost impacts of Title 34 on agriculture. Natomas is concerned that this will be ignored in the Programmatic EIS (draft POA discusses it only inferentially) and requests that Reclamation commit to preparing a socioeconomic impact analysis of Title 34 on Sacramento valley agriculture.
- ◆ The Programmatic EIS should evaluate the impact of removing agricultural land from irrigation, as it may result in an actual decline in beneficial habitat. Taking

water away from agriculture will increase the pressure on farmers to develop their land. Development will permanently convert wildlife habitats that can never be reclaimed, which is inconsistent with the goals of Title 34.

- ◆ Title 34 will prevent the Central Valley from being in compliance with the Federal Clean Air Act, particularly in particulate matter, known as PM-10. The Programmatic EIS should address this concern.
- ◆ The Programmatic EIS should address the increase in dust that will result from removing agricultural lands from production and the hazard that will create on the roadways.
- ◆ Irrigated agriculture is responsible for a large portion of the ground-water recharging. The Programmatic EIS should address the decline in the ground-water table that will result from reducing the acreage of irrigated agricultural lands.
- ◆ Will Title 34 result in nondelivery of water to eastern San Joaquin County under existing contracts? The Programmatic EIS should consider these impacts.
- ◆ The Programmatic EIS will discuss many different types of ecosystems present in the project area and should include the ecosystem created by irrigated agriculture.
- ◆ The Programmatic EIS should consider the impacts of each alternative on the following: recreation interests, including white water users and other recreation uses dependent on instream flows; surplus crops, alternative crops that may be available, the effect on net water use of imposing full cost pricing on water used to produce surplus crops, and other strategies to reduce surpluses in USDA program crops; drainage and water quality, including selenium impacts; the definition of the CVP, so that it includes the Solano Project and other Reclamation operated projects in the affected area; and the schedule, to ensure that the deadline is met.
- ◆ In the impact assessment there needs to be a common, consistent, easily-updated and widely accessible database of hydrologic, ecologic, and economic variables of concern.
- ◆ Any assessments should take into account of incurred debts, public subsidies, unfulfilled mitigation responsibilities, and increased risk during droughts. In the latter case, a "reasonable balance" among competing CVP demands could be the reallocation of 50 percent of the CVP's baseline supplies for fish and wildlife purposes.
- ◆ Each and every action, other than studies for future action, must be addressed and the impacts and benefits of that action reviewed. In analyzing any direct and indirect impacts and benefits, the following parties must be included:

- CVP contractors who export from the Delta,

- their water users,
  - the communities which provide services to the water users, and
  - the employees of the water users.
- ◆ In analyzing the impacts and benefits from implementing Title 34, the Programmatic EIS must review the cost of products produced by the water users resulting from:
- the reduction in supplies of water and
  - the increased cost of CVP water due to the reduction in supplies and the Restoration Fund and Friant surcharges.

### **Programmatic EIS Process**

- ◆ Include a full evaluation of the questions posed on pages 11-13 of the Scoping Phase I Information Packet.

<b>Relationship of Title 34 to State Water Policy and other Studies, Legislation, and Actions</b>
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- ◆ Reclamation and the Service should review and consider incorporating portions of the work prepared by the Joint Powers Authority in developing its scope for the Delta water transfer analysis. This will help the Secretary of the Interior to make an informed decision when approving above-the-Delta or below-the-Delta water transfers.
- ◆ Any cutbacks in water allocation should respect California law protecting areas of origin. Programmatic EIS should not identify and discuss alternatives that would reallocate water without respecting the constraints of California water rights law.
- ◆ Coordinating the environmental protection requirements of Title 34 and Federal or State Endangered Species Acts is necessary to prevent an undue impact on water users.

<b>Economic Issues</b>
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- ◆ The Programmatic EIS should address the environmental and economic effects of the reduction of agricultural land (in years of varying rainfall) on California's ability to maintain agricultural production at levels sustained in the past.
- ◆ The Programmatic EIS should analyze the environmental and economic impacts of the temporary and permanent idling of agricultural lands now served by the CVP.

- ◆ The Programmatic EIS should fully recognize and evaluate the economic impacts of Title 34 environmental fees, which add a burden to rates that have already risen 260 percent since 1987, at the same time that property tax revenues face cutbacks.
- ◆ What will be the economic impact of the reallocation of 800,000 acre-feet of water? The costs associated with each benefit should be determined at this stage.
- ◆ The delay in contract renewals may cause some farmers to go out of business, as lenders will cite increased risk tied to water deliveries.
- ◆ What will be the impact of Title 34 on the price and availability of food needed for 10 million additional Californians in 15 years? How will lost supplies from central valley be replaced?

### New Facilities

- ◆ The Programmatic EIS should consider effects on locally constructed projects dependent on CVP supplies, including CCWD's proposed Los Vaqueros project. Effects on the ability of the local entities to operate their facilities to achieve established objectives should be evaluated. It should consider the effects on water quality on CCWD's existing Delta intake at Rock Slough and the proposed Los Vaqueros intake on Old River.
- ◆ Do not try to get "all approvals" for construction of new CVP facilities in determining whether it is a "practicable or feasible option" (as in draft POA). A clear basis should be established for determining the prospects for obtaining key approvals to ensure that a given facility or implementing option need not be a "sure thing" to be given due consideration.
- ◆ Alternatives considered in the Programmatic EIS must include the construction of more dams, in order to achieve the increase in yield of the CVP.

### Public Involvement

- ◆ Reclamation needs more complete mailing lists and more timely notification procedures for its meetings, as we were notified only 5 days before the closest workshop. County farm bureaus throughout the CVP service area should be notified of any meetings and hearings.
- ◆ Additional input should be sought from the public at least once, preferably twice, between now and the issuance of the Draft Programmatic EIS. Also, at least one public review session should be held in Oakland or San Francisco.



- ◆ A workshop should be held on the development of baseline criteria. Other workshops should be held to review the methodologies considered in computer modeling and the results of such modeling.

### Fish and Wildlife Habitat Restoration

- ◆ The Programmatic EIS needs to evaluate the current state of knowledge regarding anadromous fishes, as well as the gaps in knowledge that need to be filled in order to ensure the success of restoration efforts. In addition, the benefits of the studies required by Title 34 need to be addressed. The following areas constitute gaps in the understanding of chinook salmon:
  - The effects of elevated water temperature. There is a more serious temperature problem in the lower reaches of the Sacramento River than in the lower American River.
  - Modeling habitat use by juvenile salmon in large rivers. Large rivers are difficult to study because of sampling problems, turbidity, and high water velocity. Available models (primarily PHABSIM - the Physical Habitat Simulation Model) may have invalid assumptions, inadequate biological information, and overly simplistic habitat descriptions. Depth, velocity, and a channel index do not adequately describe the physical habitat of juvenile salmon. Great care should be given to designing behavioral studies. Because of the difficulty of field observations, it may be necessary to do some of the work in laboratories or artificial streams.
  - Life history models. Recommend use of Marc Mangel's model, developed at UC Davis and applicable to Pacific salmon. There is substantial variation in the number of years that chinook salmon remain at sea, which tends to stabilize populations by spreading the effects of good or bad spawning or rearing conditions over several years.
  - Ecosystem models. Lack of ecosystem information on rivers in the CVP area make it doubtful that a useful ecosystem model can be developed in the near future.
  - Estimating natural production. Possible methods include clipping the adipose fin of some constant fraction of hatchery reared steelhead and chinook salmon, or treating hatchery fish in a way that would leave permanent marks on their otoliths or scales.
  - The importance of spawning habitat, including the extent of the destruction of nests from earlier spawning by later spawning. Similarly, the extent to which the

amount of suitable spawning habitat limits natural reproduction remains unknown.

- Why are certain areas preferred by chinook salmon? Information on differences in egg survival in favored and unfavored areas is also needed.
- ◆ The Programmatic EIS should include discussion of the financial resources required by Title 34 for fish and wildlife mitigation and alternative approaches for how those resources will be used to meet Title 34 requirements.
- ◆ Include Tulare Basin for wetlands mitigation in Programmatic EIS, as its status is currently unprotected.

### CVP Yield

- ◆ Investigation of increasing CVP firm yield should include analysis of constructing a spillway on Trinity Dam to accommodate larger releases into Lewiston Reservoir. Construction of a spillway on Trinity Dam would help reduce the risk of dam failure during extreme runoff conditions. Construction of a spillway would likely alter the Safety of Dams criteria to allow greater Trinity Dam storage during the November 1 to March 31 period. A revision of the criteria might increase the firm yield of the CVP by allowing greater Trinity Lake storage during peak runoff periods. One potential negative impact of a new spillway on Trinity Dam is an increase in the size of the 100-year floodplain of the Trinity River downstream from Lewiston Dam. Analysis of the spillway should include provisions for full compensation to landowners along the affected reach of the Trinity River who would need to be relocated outside of the revised floodplain. Any such policy should provide for no net losses of private lands and full compensation to landowners for the moving or reconstruction of improvements.

### Restoration Fund

- ◆ For the Restoration Fund, the use of wet-year accruals will be critical for "spot" purchases of water during droughts. A means must be found to collect and manage such funds so that the normal appropriations process does not frustrate attainment of Title 34's objectives.

### **Doubling of Fish Population Goal**

- ◆ Much of the information needed to accomplish the doubling of anadromous fish populations is not currently available. A model should be developed to determine the actual benefit per acre-feet of water dedicated annually to fish and wildlife, including all the factors of rainfall, snow pack, ocean temperatures, and legal and illegal fishing.
- ◆ The Programmatic EIS should assess whether full, fair, and timely implementation of Title 34 will in fact allow for sustainable doubling of anadromous fish populations, and just what the Secretary's "remaining contractual obligations" will be. In other words, will the Act's restoration tool chest be sufficient?

## SUMMARY OF PUBLIC COMMENTS

The comments, questions, and issues discussed at the scoping meetings focused on the provisions of Title 34 and the Programmatic EIS process. Comments and questions varied in the different geographic areas. In Sacramento, comments focused primarily on the Programmatic EIS process and Title 34 implementation. In Redding, most participants were concerned with the fish and wildlife provisions of Title 34 and the impacts on the Trinity River. In Willows, Fresno, and Santa Nella, there was active participation from the agricultural community. They voiced concern about the economic impacts of Title 34 and on how the alternatives analysis and impact assessment would be handled in the Programmatic EIS. In Burbank and San Diego comments and questions focused primarily on water transfer issues. In Santa Clara, a wide variety of people representing urban, environmental, and agricultural interests were present. Comments reflected their individual concerns regarding Title 34 impacts and the Programmatic EIS process.

The input received at all the scoping meetings is summarized below by topic.

### 800,000 Acre-Feet of Water Dedicated Annually to Fish and Wildlife

The source of the 800,000 acre-feet of water was a concern for several meeting participants. Questions centered on whether the 800,000 acre-feet would be new water or be taken from existing supplies. The methodology for determining the source of the 800,000 acre-feet and how it would be used was unclear to many participants. There was also concern about additional allocation of water to fish and wildlife with new listings of endangered species. Several participants asked how the 800,000 acre-feet amount was determined.

### Water Pricing

Tiered water pricing was an issue for the agricultural community. Water districts that have not had adequate supply to meet demands for water felt that tiered pricing would have a significant impact on their operations. Farmers were concerned with their ability to pay higher cost for water. Participants questioned the impacts of tiered pricing on water conservation efforts.

## Water Transfers

Comments on water transfers varied between agricultural interests and southern California water districts. In the northern areas of the State the impact of north-south water transfers on fish and wildlife was a concern. In other areas the benefits to municipal water users was discussed. There was general agreement that the economic impacts and benefits of water transfers should be assessed throughout the State. There was disagreement on whether the growth-inducing impacts of water transfers should be included in the Programmatic EIS or should be covered in separate NEPA documentation. Some municipal water users felt that transfers would not result in any significant environmental impacts in the Delta, while agricultural interests felt there would be substantial environmental impacts.

Audiences were similarly split on whether individual water transfers should be covered in separate site-specific NEPA documentation. Agricultural water districts with limited supplies were concerned that CVP water would be sold to southern California for a better price than what they would be able to pay. Urban water districts felt that they would encounter roadblocks for transfers to southern California.

There were general questions about the relationship of the interim guidelines for transfers, existing contracts, and Title 34 provisions. Participants were also unclear on which interim guidelines on transfers must conform to existing and pending laws on transfers.

## Contract Renewals

Most comments and questions about contract renewals came from the agricultural community. Their concerns focused on how existing contracts would be modified, and on the uncertainty of water supply when contracts are renewed. Many questioned whether the Programmatic EIS would supply enough documentation to renew contracts and were concerned that separate NEPA studies would be needed for contract renewals. Several people pointed out that not renewing contracts may have more environmental impacts than renewing them and that this needed to be addressed in the Programmatic EIS.

Other participants felt that specific contract renewals should be incorporated into the Programmatic EIS. They questioned how total contract renewals would be assessed without determining specific renewals.

## **Water Conservation**

There were very few comments regarding the water conservation provisions in Title 34. One participant pointed out that the impacts of the water conservation plan in Title 34 could not be analyzed until water conservation criteria are released. Another commenter felt that the conservation plan should be focused on CVP water only. Several people pointed out the importance of water conservation in replenishing ground-water supplies.

## **Implementation of Title 34**

There were several questions regarding the interim guidelines for implementing Title 34; how they were related to the Programmatic EIS process and why they were prepared before completion of the Programmatic EIS. Some felt that interim guidelines for Title 34 provisions should wait until the Programmatic EIS is complete. One person asked if rules and regulations to implement Title 34 would be included in the Programmatic EIS. Another participant asked if Title 34 could be scaled back and a new law passed in its place.

## **Programmatic EIS**

### **Geographic Scope**

Questions on geographic scope focused on whether the Programmatic EIS would cover the CVP service area or whether it would go beyond the CVP. One participant felt that the socioeconomic impacts of Title 34 should be assessed for the entire State. Another commenter said that the geographic scope of impacts on fisheries should be examined to the ocean to account for migrations.

### **Existing Conditions**

Many comments focused on the baseline of analysis for the Programmatic EIS. There was general agreement that the scope of the Programmatic EIS should not be based on conditions prior to construction of the CVP (preproject conditions) and that the baseline should be conditions the day the law was passed. However, one commenter suggested that preproject conditions should be used as the baseline. Some participants felt that preexisting contracts should be considered as an existing condition.

## **Purpose and Need**

Several meeting participants felt that the Purpose and Need statement should have been determined prior to scoping. All participants that mentioned Purpose and Need wanted an opportunity to comment on the content of the Purpose and Need statement in the early stages or before a written document is produced. One participant stressed the importance of including specific language in the Purpose and Need statement about comprehensive water management, balancing uses and needs, and water supply reliability.

## **Subsequent NEPA Documentation**

Questions regarding separate NEPA documentation focused on whether individual EIS's would be prepared for contract renewals and what other Title 34 provisions would require site-specific EIS's.

## **Alternatives Analyses**

Comments on the alternatives analysis were varied but came mostly from the agricultural community. Participants pointed out that the alternatives cannot be determined prior to purpose and need and that alternatives should not be considered that cannot be implemented, such as no contract renewals. Discretionary v. nondiscretionary actions were discussed and there was general agreement that all types of actions should be assessed in the Programmatic EIS.

Questions were asked regarding the public involvement for the alternatives process. Water quality standards were important to one participant who felt they should be taken into account when addressing alternatives to increase yield.

## **Action Alternatives**

Many suggested that an alternative of no contract renewals should be included in the Programmatic EIS for the purpose of examining the true impacts of not providing water for agricultural purposes. One participant felt that the range of alternatives would be too narrow if they were only based on the provisions of Title 34. Another commenter said that the Action Alternatives should focus on 12-15 major issues including Title 34 provisions and other factors such as a contract moratorium, land retirement, and power impacts. Common themes for alternatives focused on how to implement them to maximize environmental benefits and different scenarios for contract renewals.

## **No-Action Alternative**

There were several suggestions about what the No-Action Alternative should be. These included:

- operation of the CVP without Title 34,
- contracts at full renewal,

- operation of CVP without Title 34, the Endangered Species Act, and the drought, and
- conditions when Title 34 was passed not including authorized and funded projects.

### Computer Modeling

There was some concern about the public being able to understand the computer models used in the Programmatic EIS and that modeling to assess impacts should not be overdone. There were suggestions to use improved models to assess impacts. Several participants felt that peer review of the models is critical to assure that the information going in is accurate, reasonable, and easily understandable.

### Impact Analysis

There were numerous questions and statements regarding topics that should be analyzed in the impact assessment phase of the Programmatic EIS. Impacts regarding the following were mentioned:

- Economics
- Social well-being and welfare of rural communities
- Flooding of rice fields
- Flows and salinity in the Delta
- Population growth
- Ground water
- Recreational activities
- Contract renewals
- Fish and wildlife beyond CVP service area
- Commercial fishing
- Wetlands preservation and restoration
- Water shortages

There was general concern that third party, growth-inducing, and municipal impacts be addressed. Urban water districts felt that a preferential treatment policy should be developed for municipal and industrial water users. On the other hand, rural communities felt they should be given preferential treatment.

Several participants thought that beneficial and adverse impacts of the CVP, both socioeconomic and environmental, should be addressed. Others felt that all factors affecting fish populations, including fishing, industrial pollution, and State water policy should be addressed.



## **Funding, Scheduling, and Level of Effort**

At almost every meeting someone asked how much the Programmatic EIS would cost and how it was being funded. There was general agreement that the cost of preparing the Programmatic EIS should be kept down and that it should be completed on schedule. Some concerns about the schedule focused on the amount of time allotted to complete Phase III. Participants felt there would be insufficient time to complete all the phases under the proposed schedule.

## **Agency Coordination**

Questions were asked about how the cooperating agencies were working together on the Programmatic EIS and what their roles and responsibilities were. Participants recognized the importance of involving representatives from both State and Federal regulatory agencies in the Programmatic EIS process. Several water districts felt that they should be involved in the process as a cooperating agency.

## **Programmatic EIS Process**

Questions and comments on the process related to how the provisions of Title 34 would be addressed in the Programmatic EIS and whether they would be prioritized for purposes of analysis. Several commenters urged Reclamation and the Service to do a complete job on the Programmatic EIS because they felt that a piecemeal approach would obscure individual impacts. General questions were asked regarding who would draft and review the Programmatic EIS and who would make the Record of Decision. One commenter thought that the Programmatic EIS should avoid discussing growth-related impacts because of the tight timeframe for completing the Programmatic EIS.

<p><b>Relationship of Title 34 to State Water Policy and other Studies, Legislation, and Actions</b></p>
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Several participants asked how the San Joaquin River Restoration Study would be addressed in the Programmatic EIS and questioned how environmental impacts could be determined prior to completion of the San Joaquin Study. There were numerous comments about the Endangered Species Act and how its requirements would be addressed in the Programmatic EIS. State water policy was also the subject of many comments. The relationship of Title 34 and D-1630 was questioned and many believed coordination with the Bay-Delta Oversight Council was important. Some also questioned whether the 800,000 acre-feet should satisfy Delta standards. Several participants asked what would happen to the provisions of Title 34 if the State takes over the CVP.

## **Economic Issues**

Questions and comments focused primarily on the economic impacts to the agricultural community from implementation of Title 34. Some suggested the economic analysis be done on a county by county basis. Others said that it is important to include cities like Mendota and Visalia. There was some concern about who would be analyzing the economic impacts. Many asserted that local expertise such as welfare agencies, school districts, and sheriffs' offices should be used to determine the impacts to rural communities. The United States Departments of Agriculture and Commerce were also mentioned as resources to use in the economic analysis. Many pointed to the current high unemployment rate in rural communities and the inability of farmers to secure loans as economic impacts that have already occurred as a result of Title 34. Some thought the economic analysis should include third-party impacts such as decrease in county tax base, lost equity in land, and increase in welfare costs. One commenter suggested that economic impacts for the San Joaquin Valley should be determined 30 to 50 years into the future.

Other economic issues focused on potential impacts to recreation, commercial fishing, tourism, and fish and wildlife.

## **New Facilities**

Most comments on new facilities focused on carryover storage, whether increasing storage capacity would result in decreased yields and if criteria will be developed for carryover storage. One participant asked if expansion of the CVP will be examined as an option in the Programmatic EIS.

## **Fish and Wildlife Habitat Restoration**

There were a wide range of comments regarding Title 34 fish and wildlife goals. Comments on wildlife provisions focused primarily on how the Programmatic EIS would address the Level 2 and Level 4 refuge requirements. Carrying capacity and instream flows were discussed at several meetings. Questions concerned how the carrying capacity for rivers would be determined for purposes of analysis in the Programmatic EIS.

Several participants criticized the techniques used to count fish. They felt that the techniques were obsolete. There was also concern about the Endangered Species Act, how species were listed as endangered, and how the Act relates to Title 34 provisions. Several suggested that identification of endangered species should be based on ecosystems rather than individual species.

One topic that generated discussion at several meetings was predation. Many participants were concerned because the striped bass is a predator of the endangered winter-run chinook salmon. They questioned the impact on other species of increasing the striped bass population. Some commenters blamed the striped bass for the loss of salmon while others said the bass were not a problem. Many asked if there were ways other than increasing water to improve fish habitat. There was also discussion at one meeting on the importance of examining all the factors that contribute to fish population impacts including over harvesting, poaching, predation, and industrial pollution.

Other comments focused on the cost to implement Title 34 fish and wildlife goals, distinguishing between native and introduced species, and how restoration and enhancement provisions would be accomplished.

#### **Restoration Fund**

The predominant concern regarding the restoration fund was how the money will be allocated and how much it will cost water users.

#### **Power Issues**

Commenters on this issue thought that the Programmatic EIS should address the impacts on power consumers for Title 34 provisions that will affect CVP dams. Participants also asserted that the Programmatic EIS should analyze the environmental impacts of an alternate power source if hydropower is reduced.

#### **Doubling of Fish Population Goal**

Several commenters asked how the Programmatic EIS would address doubling fish populations if the Endangered Species Act requires more substantial increases. One participant pointed out that the goal would be difficult to achieve unless predators are controlled. Another asked if increasing fish populations would be subsidizing the commercial fishing industry.

#### **CVP Yield**

The CVP yield increase plans were important to the agricultural community. They asked how the Programmatic EIS would address project yield increase.

## Topics Unrelated to Programmatic EIS

Comments received at the scoping meetings that were not related to Title 34 or the Programmatic EIS included the following:

- The fencing off of water bodies where children fish.
- The relationship of land use to ecological and economic disaster.
- The Kit Fox drinking city water during the dry season.
- Silt blocking canals that prohibits school construction.
- Water quality standards for farmers.
- Problems among agencies regarding the Salton Sea.
- Levee restoration.
- Silt blocking the Mendota slough.

## Public Involvement

There were many comments regarding the public involvement process for the Programmatic EIS. Comments regarding the scoping process were positive and participants appreciated the opportunity to ask questions and give input. All participants recognized the need for the various interest groups to work together. Comments on public involvement focused on types of public involvement activities and methods, locations and times of meetings, workshop topics, groups that should be involved, and meeting notification.

Suggested types of public involvement activities and methods included:

- Information distributed to marinas, tackle manufacturers, guides, and wildlife organizations.
- Newspaper ads and articles.
- Outreach to small rural communities.
- Regular office hours for public to consult with agency staff.
- Regular mailings.
- Multiuse liaison committees (with agricultural, environmental, and fish and wildlife representatives).
- Regional review committee (fisheries groups).
- Regular agency head meetings open to the public.
- Open public forums.
- Better media coverage for farmers.

- Continuation of "Grapevine" telephone hotline.
- Field trips.
- Presentations to groups/speakers' bureau.

Suggestions for locations and times for meetings included:

- Schedule meetings in northern California (Fort Bragg).
- Dinner time meetings are hard to attend.
- Afternoon meetings good for the agricultural community.
- Avoid scheduling too many meetings at one location in one day.
- Suggest San Jose, San Francisco, and Oakland as future meeting locations.
- Southern California meeting should be held in Orange County.
- Minimize meetings in April, May, September and October for the agricultural community.

Proposed workshop topics included:

- Alternatives analysis before decisions about alternatives are made.
- Computer modeling education.
- Delta modifications.
- Benefits v. consequences of CVP.
- Ground-water overdraft impact on CVP service area.
- screening criteria.
- Refinement of screening criteria.
- Purpose and Need statement before it is finalized by agencies.

Suggestions for groups that should be involved included:

- Agricultural community
- Local governments
- Academic community
- Fisheries groups
- Water districts

Suggestions regarding meeting notices included making sure notices were sent well in advance of meetings and providing enough information in notices to make meeting purpose clear.

## TRACKING YOUR COMMENTS

As a comprehensive document, the Programmatic EIS will incorporate most of the issues, questions, and comments received at the scoping meeting and from written correspondence. This section tells you in which phase or phases your comments will be addressed. There are five phases in the Programmatic EIS process. Table 1 provides a schedule of the five phases and lists the technical activities that will take place during each phase.

Table 1  
Programmatic EIS Schedule

Phase	Phase I	Phase II	Phase III	Phase IV	Phase V
Date	Nov. 1992 - March 1993	April - September 1993	October 1993 - January 1995	February 1995 - December 1995	Overlaps with other phases
P R O D U C T S / A C T I O N S	Plan of Action  Draft Public Involvement Plan  Notice of Intent  Public Input Meetings  Cooperating Agency Agreement	Purpose and Need  Existing Conditions Description  No-Action Description  Action Alternatives Developed	Studies  Model Runs  Interpretations  Impacts to Human Environment	Draft Programmatic Environmental Impact Statement  Public Hearing  Comment Section for Programmatic EIS  Final Programmatic EIS  Record of Decision	Site- Specific NEPA Documents for Contract Renewal

A summary of the issues identified at the public input meetings is listed on the following pages and a brief description of where you can track them in the Programmatic EIS is provided. Several subjects, such as the Purpose and Need statement and water conservation policies, are so broadly applicable that they will be included in almost every section of the Programmatic EIS. For example, all analyses and alternatives must be measured against the Purpose and Need statement, and any action that conserves water will make more water available.

### 800,000 Acre-Feet of Water Dedicated Annually to Fish and Wildlife

The dedication of 800,000 acre-feet for fish and wildlife will have significant physical, biological and socioeconomic impacts and benefits. The 800,000 acre-feet provision will be

considered in determining the range of alternatives and in defining the affected environment. The 800,000 acre-feet will also be considered when determining the impacts and benefits of each alternative on physical, biological, and social, cultural, and economic resources in Phase III of the Programmatic EIS.

### **Water Pricing**

When examining the range of options to implement Title 34, water pricing will be considered. In preparation of the Programmatic EIS, the agricultural economy will be defined by region and tiered pricing will be included in that analysis. In Phase III water pricing will be taken into account when assessing the impacts and benefits on urban water demand, irrigation, biology, economics, sociology, power, and urban development.

### **Contract Renewals**

The renewal of contracts will have physical, socioeconomic, and biological impacts. When examining the range of options to implement Title 34, full, partial, and nonrenewal of contracts will be considered. Contract renewals will also be considered when determining the range of alternatives and in describing existing conditions. The existing conditions will include social, cultural, and economic resources, including municipal and industrial water demand, and recreational resources. The impacts and benefits associated with contract renewals will be assessed in Phase III, focusing on irrigation, biology, and economics. Water contracts will also be discussed in sections dealing with regional, urban, and sociological impacts and benefits.

### **Water Conservation**

Title 34 requires CVP contractors to adopt water conservation plans. The criteria used to evaluate these plans, and compliance with them, will have physical, biological, and socioeconomic impacts. Water conservation will be considered when determining the options for implementing Title 34, in the identification of alternatives, and possibly as part of the No-Action Alternative. Water conservation will be taken into account throughout all stages of Phase II in defining the affected environment, and in Phase III in determining environmental consequences of alternatives.

## **Implementation of Title 34**

Interim guidelines have been prepared, or will soon be completed, for water transfers, restoration fund, interim contract renewals, 800,000 acre-feet of fish and wildlife water, water conservation, and water banking. Additional guidelines will be prepared as needed. The requirements in the guidelines will be incorporated into the Programmatic EIS for evaluation as impacts, both adverse and beneficial. The guidelines will be considered as initial compliance with Title 34 with the understanding that modification to the guidelines will be made as appropriate, based on the input from the public and cooperating agencies as well as the analysis conducted under the Programmatic EIS.

## **Programmatic EIS**

### **Geographic Scope**

The Geographic scope of the Programmatic EIS will encompass the region that is directly and indirectly impacted by implementation of Title 34. This may include southern California for transfers and the Pacific coastal area for fisheries impacts.

### **Existing Conditions**

Existing conditions will be addressed in Phase II of the Programmatic EIS in the chapter on the affected environment. The affected environment will be defined according to physical, biological, social, cultural, and economic resources. Physical resources will include climate and air quality, geology and soils, and water resources. Biological resources will include vegetation, fish and wildlife, endangered and threatened species, and wetlands. Social, cultural, and economic resources will include economy, land use, power, social well-being, recreation, visual resources, and cultural resources.

### **Purpose and Need**

The Purpose and Need statement is being developed as a Phase II activity for the Programmatic EIS. All analyses throughout the preparation of the Programmatic EIS will be measured against the Purpose and Need statement.

### **Subsequent NEPA Documentation**

Sites-specific documents for contract renewals will be covered by subsequent NEPA documentation which will be prepared separately. Some of the studies may overlap.



## **Alternatives Analysis**

The alternatives analysis will occur in Phase II of the Programmatic EIS. This will include: identification of alternatives; a comparison of the alternatives with the Purpose and Need statement; the selection of a range of alternatives, and identification of a preferred alternative or proposed action. In Phase III the environmental consequences of the alternatives on physical, biological, social, cultural, and economic resources will be determined.

### **Action Alternatives**

Action Alternatives will be identified in Phase II of the Programmatic EIS. A preferred alternative or proposed action will be selected and compared with the other alternatives in determining environmental consequences on physical, biological, and social, cultural, and economic resources.

### **No-Action Alternative**

The No-Action Alternative will be defined in Phase II of the Programmatic EIS. In Phase III the No-Action Alternative will be compared to the Action Alternatives in determining environmental impacts on physical, biological, social, cultural, and economic resources.

### **Computer Modeling**

Computer modeling will be used in Phases II and III of the Programmatic EIS. In Phase II the models will be selected and they will be used to define ground-water basins, surface water systems, existing conjunctive use and water quality, and to characterize current CVP power operations. In Phase III, computer models will be used to determine surface water/ground water and fisheries requirements. They will also be used to assess economic and sociological impacts to the agricultural community and to assess the impacts of water transfers.

### **Impact Analysis**

The impact analysis will occur in Phase III of the Programmatic EIS. The environmental consequences of each alternative on physical, biological, social, cultural, and economic resources will be compared. Cumulative impacts will also be identified as will unavoidable adverse impacts.

### **Funding, Scheduling, and Level of Effort**

The Plan of Action that was prepared as part of Phase I maps out the steps required to complete the Programmatic EIS.

## Agency Coordination

Phase I marked the beginning of agency coordination. This will continue throughout the entire Programmatic EIS process. Several agencies have been identified as cooperating agencies and are actively participating in the preparation of the Programmatic EIS. These agencies are listed on page 4. They are meeting on a monthly basis and will continue to meet throughout preparation of the Programmatic EIS.

### Relationship of Title 34 to State Water Policy and other Studies, Legislation, and Actions

The analysis in the Programmatic EIS will assume compliance with State water law, the Coordinated Operations Agreement, and the Endangered Species Act. Relationships to current and ongoing actions in the central valley will be discussed, as appropriate, in the affected environment, No-Action or cumulative impacts sections of the Programmatic EIS. The impacts of a range of options available for implementing Title 34 will be considered. Specific projects and actions that could potentially affect threatened or endangered species will also be identified.

### Economic Issues

Economic issues will be addressed in Phases II and III of the Programmatic EIS. In Phase II the agricultural economy will be defined by division/region. The economics of cities, commercial fisheries, recreation, and hydropower will also be defined by division/region. In Phase III economic impacts and benefits on social, cultural, and economic resources will be defined and assessed.

### New Facilities

The construction of facilities for refuge water will have significant biological and economic impacts. In Phase II the existing conditions for refuges will be defined. In Phase III new facilities will be considered when determining environmental consequences of alternatives on biological and economic resources.

### Fish and Wildlife Habitat Restoration

The provision of water flows to protect all life stages of anadromous fish will have significant physical, biological, and economic impacts and benefits. Programs to mitigate

fisheries impacts will also be examined for environmental impacts and benefits. Dedication of project yield to supply refuges is expected to have significant physical, biological, and economic impacts and benefits.

All of the above topics will be addressed in Phase II. In this phase options to implement Title 34 will be determined. Fish and wildlife habitat restoration provisions will be considered when identifying and selecting alternatives and in defining the affected environment. In Phase III, impacts and benefits of alternatives on biological resources will be assessed.

### **Restoration Fund**

The restoration fund, along with other economic provisions of Title 34, will be analyzed in the Programmatic EIS. In Phase III the restoration fund will be considered when examining the regional agricultural and social, cultural, and economic impacts and benefits of the alternatives.

### **Power Issues**

Power issues will be addressed in Phases II and III of the Programmatic EIS. In Phase II, hydropower economics will be defined and current CVP power operations will be characterized. In Phase III, impacts on power production will be fully evaluated.

### **Doubling of Fish Population Goal**

The doubling program will have significant physical, biological, and economic impacts and benefits. Biological resources will be defined as part of the affected environment. In Phase III, environmental consequences of alternatives on biological, physical, social, cultural, and economic resources will be assessed. A separate management plan will be prepared concurrently with the Programmatic EIS to achieve the 2002 doubling goal.

### **CVP Yield**

The plan to increase CVP yield will have significant environmental impacts. In Phase II this will be addressed when determining options to implement Title 34 provisions. In Phase III the impacts and benefits of increasing CVP yield will be fully assessed.

## Public Involvement

Public involvement will occur at all stages of the Programmatic EIS process.